

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 20, 2003 AT 10:00 A.M.
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The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

ORDINANCES TO BE INTRODUCED:

Items 54, 55, and 56.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, and 133.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Amendments to Pedicab Regulation Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/29/2003 (Council voted 9-0):

(O-2003-148)

Amending the San Diego Municipal Code by amending Chapter 8, Article 3, Division 1, by adding new Section 83.0111; by amending Section 83.0126; by renumbering Section 83.0127 to 83.0128; by adding new Section 83.0127; by renumbering and amending existing Section 83.0128 to Section 83.0129; and by renumbering Sections 83.0129, 83.0130, 83.0131; 83.0132, 83.0133, 83.0134, respectively to Sections 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, and 83.0135.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Grading Activity on Sensitive Resources and Canyons.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/28/2003. (Council voted 9-0):

(O-2003-133)

Amending Chapter 1, Article 2, Division 8, of the San Diego Municipal Code by amending Sections 12.0803 and 12.0805, relating to administrative civil penalties.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: Salary Ordinance for FY 2003-2004.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/6/2003. (Council voted 9-0):

(O-2003-147)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2003-2004.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Two actions related to Non-Exclusive Solid Waste Collection Franchises.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 4/28/2003. (Council voted 9-0):

Subitem-A: (O-2003-137 Revised)

Amending Chapter 6, Article 6, Division 1, of the San Diego Municipal Code by amending Sections 66.0102, 66.0113, 66.0119, and 66.0123, relating to Solid Waste Collection Franchises.

Subitem-B: (O-2003-138)

Authorizing the City Manager to execute amendments to the Class I Solid Waste

Franchise Agreements with the Class I Franchisees and to execute New Class II Solid Waste Franchise Agreements with the Class II Franchisees.

NOTE: 6 votes required for Subitems A and B pursuant to Section 103 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-54: Amendments to Agreement between San Diego State University and the City of San Diego for Partial Use and Occupancy of Qualcomm Stadium.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-152)

Introduction of an Ordinance authorizing the City Manager to execute a Second Amended and Restated 1994 Agreement for Partial Use and Occupancy of Qualcomm Stadium between San Diego State University and the City of San Diego under the terms and conditions set forth in the Second Amended and Restated 1994 Agreement.

CITY MANAGER SUPPORTING INFORMATION:

In 1998, San Diego State University and the City of San Diego, negotiated revised terms and conditions for the use of Qualcomm Stadium (Document No. 00-18548-1 dated July 20, 1998). Both parties agree that there are several sections in this agreement that need to be modified to reflect actual practice. Some of these changes are due to issues contained in the City's Settlement Agreement of the Americans with Disabilities Act (ADA) lawsuit. Therefore, negotiations were conducted by the parties with the assistance of the Qualcomm Stadium Advisory Board. The following are the major changes to the agreement which will result in a financial benefits to the City:

1. SDSU can increase the number of parking passes from 750 to 1,000 and allow the City to provide free parking for persons with disabilities.
2. SDSU can increase the number of complementary tickets they can issue from 4,000 to 5,000 and will decrease the number of student tickets issued from 11,463 to 7,271.
3. City will no longer be required to purchase 72 season tickets for certain suites.
4. SDSU will provide 100 ADA seats for the 2003 season at no cost to the City and offer ADA seats at 50% discount at no cost to the City.

5. Clarified language for the enhanced reimbursement of Police services.

As mentioned, the Qualcomm Stadium Advisory Board was a part of the negotiations and at their April 10, 2003 meeting they unanimously recommended approval of the agreement.

FISCAL IMPACT:

Approximately \$20,000 savings to the City for the 2003 season and \$2,000 per year after the 2003 season.

Herring/Wilson/SMS

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-55: Possession of Opened Kegs Containing Alcoholic Beverages during the Fourth of July at Designated Public Places.

(See Report from the City Attorney dated 4/24/2003 and Rudolf Hradecky's statement.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-144)

Introduction of an Ordinance amending Chapter 5, Article 6, of the San Diego Municipal Code by adding Sections 56.70, 56.71, 56.72, relating to Possession of Opened Kegs Containing Alcoholic Beverages during the Fourth of July at Designated Public Places.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 4/30/2003, PS&NS voted 5 to 0 to approve the City Attorney's recommendation for an ordinance prohibiting the use of kegs on San Diego's beaches and bays throughout the Fourth of July holiday, amended to apply only to the fourth day of July and to ensure it include Fanuel Street Park. Councilmember Zucchet requested the City Manager to assure there is an appropriate number of portable restrooms and trash receptacles for all beach areas and especially Sail Bay. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

SUPPORTING INFORMATION:

Crimes such as littering, fighting, disturbing the peace, public urination, public intoxication, and minor in possession increase during the Fourth of July. The increase can be associated with an increase in number of people at the beach and with an increase in consumption of alcohol. Indeed,

in terms of alcohol related offenses in the last two years (2001 and 2002) crimes increased three-to four-fold when compared to a non-holiday Fourth of July weekend. The problem with excess alcohol consumption is exacerbated when alcohol is consumed from kegs.

Kegs are problematic for a variety of reasons. First, kegs provide a large amount of alcohol. Thus, they encourage greater amounts of alcohol consumption. A typical beer keg possessed during the Fourth of July contains fifteen gallons of beer, which is about 26 six-packs of beer. Second, beer kegs do not permit a consistent measure of how much alcohol is being consumed at any given time. In contrast, consumption from beer cans provides the alcohol user with a fixed container from which they can measure the amount of alcohol that has been consumed. Thus, it is harder to consume alcohol in a moderate amount. Fourth, beer kegs provide uncontrolled access to alcohol by minors. Indeed, beer kegs are often a main source of alcohol at parties or gatherings where underage drinking occurs. Fifth, beer kegs encourage larger parties to gather in public places and consume large amounts of alcoholic beverages. It is not uncommon to find parties where multiple kegs are possessed. Indeed, members of the public who spoke at the Public Safety and Neighborhood Services (PS&NS) meeting, described how they saw keg parties with kegs numbering in the dozens. Finally, because kegs attract large intoxicated crowds, the police are usually outnumbered and face great risk in responding to such calls. Indeed, several residents, who observed the Fourth of July keg parties and who testified at the PS&NS hearing, explained that they felt it was only a matter of time before a riot would erupt. This ordinance seeks to address the problems related to consumption of alcoholic beverages from kegs during the Fourth of July at designated public areas, generally beaches.

Ordinance:

The proposed ordinance would amend the San Diego Municipal Code to make it an infraction to possess an opened keg containing alcoholic beverages (beer kegs) in designated public places, generally beach areas, on the Fourth of July. An infraction is punishable by a fine up to \$250. In addition, each keg possessed would constitute a separate punishable offense. The proposed ordinance is not pre-empted by state law because Business and Professions Code Section 25620 permits local government to prohibit the possession of opened alcoholic containers in public areas. Also, for the reason set forth in the background portion of this document, the law does not violate due process nor equal protection because the law is a rationale attempt to solve a problem which impacts the public health, welfare, and safety.

Legislative History:

The proposed ordinance was introduced at the Public Safety and Neighborhood Services Committee on April 21, 2003. By a vote of five to zero, it was recommended that the ordinance be adopted by the City Council with the modifications that the ordinance be limited only to the Fourth of July and that Fanuel Street Park be included as a designated public area.

Devaney/KK

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-56: Amendment to the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-155)

Introduction of an Ordinance amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 1 by amending Section 24.0103 relating to the San Diego City Employees' Retirement System.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to the recently completed contract negotiations with the San Diego Police Officers Association for a new Memorandum of Understanding, effective July 1, 2003 through June 30, 2005, the City agreed to modify the effective date of a Police Recruits entry into the CERS Safety Member System. The amendment to the Municipal Code will change the entry date for a Police Recruit from the date the employee is Sworn to the Police Recruit's first day of the Police Academy.

FISCAL IMPACT:

Diminimus impact on the City Contribution to CERS.

Lexin/Ruiz

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Consultant Agreement for Logan Heights Branch Library.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1275)

Authorizing the City Manager to execute a phase funded Fixed Fee Agreement with Martinez + Cutri Corporation in an amount not to exceed \$600,000, for the design of the Logan Heights Branch Library (Project), CIP-35-101.0;

Authorizing the expenditures of an amount not to exceed \$20,000 for Phase I and an amount not to exceed \$580,000 for Phase II from CIP-35-101.0, Logan Heights Branch Library Fund No. 30244, Dept. No. 30244, solely exclusively for the purpose of providing funds for the above Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the

funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to provide the local matching funds of \$2,886,005, identified in the Logan Heights Library Project Budget, as required by California Education Code (Code) Section 19995(a), which includes and identifies amounts to be credited to local matching funds pursuant to Code Section 19995(c) and (d);

Authorizing the use of local matching, supplemental, and ineligible cost funds of \$3,452,205 specified in the Logan Heights Branch Library Budget, when needed to meet cash flow requirements;

Authorizing the City Manager to amend the City's application to the Department of Housing and Urban Development (HUD) for a Section 108 loan for the purpose of requesting an additional \$353,500 for the Project;

Authorizing the City Manager to accept and expend additional funds, contingent upon receipt of an Auditor's Certificate to do so, and to appropriate such funds to CIP-35-101.0, Logan Heights Library Project, if HUD approves the additional amount;

Authorizing the City Manager to use District 8 Community Development Block Grant (CDBG) allocations as the source of repayment of this additional amount;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Martinez + Cutri Corporation (Architects) will provide for the professional services for the design and construction of Logan Heights Branch Library. A purchase requisition with Martinez + Cutri Corporation (P. O. No. 5044944) for a total amount of \$50,000 was previously approved to provide for the project's Proposition 14 application and design.

This project provides for 25,000 sq. ft. library on a school site to serve the Logan Heights Community. The existing facility was built in 1927 and is only 3,967 sq. ft. It lacks adequate space for materials and public seating, and has no meeting room for the community.

The proposed consultant was selected in accordance with Council Policy 300-7. Five (5) firms were interviewed by the Library and Engineering and Capital Projects Departments, and Martinez + Cutri Corporation was selected as the best qualified firm to provide the design services for this project.

Logan Heights Branch Library was selected to receive Proposition 14 State Bond Funding in December of 2002. The State will provide more funding than requested in the City's application. Due to this State adjustment, City Council Resolution R-296574, adopted on May 28, 2002, needs to be modified to increase the level of matching funds provided by the City.

On July 31, 2001, the City Council authorized the City Manager to apply to HUD for a loan of \$3,030,000 for the Logan Heights Library (reference: Resolution R-295242). HUD approved that loan on March 11, 2002. In order to provide increased matching funds, an additional \$350,000 is needed; because of loan issuance costs, a net increase of \$353,500 is requested.

FISCAL IMPACT:

The consultant's fee for basic services is \$550,000. An additional \$50,000 is provided for reimbursable expenses and additional work requested by the City. Funding is available in Fund No. 30244, CIP-35-101.0, Logan Heights Branch Library, for this purpose.

The HUD 108 loan repayment will be made from District 8's annual CDBG allocation. To repay the \$3,383,500 loan, annual payment of \$293,000 is estimated, an increase of approximately \$11,000 per year over the original annual repayment estimate. Total estimated payment is \$5.86 million over the 20 year term.

Loveland/Belock/AO

Aud. Cert. 2301107.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Reimbursement Agreement for Public Facilities in Torrey Highlands.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1351 Cor. Copy)

Authorizing the City Manager to execute the FBA Credit and Reimbursement Agreement with Western Pacific Housing for Public Facilities in Torrey Highlands;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvement Program Budget by adding the following:

- a. CIP-52-725.0, Camino Ruiz, SR-56 to Carmel Valley Road;
- b. CIP-70-965.0, Del Mar Heights Pipeline Relocation; and
- c. CIP-70-966.0, New 16" Water Mains in Torrey Highlands.

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvement Program Budget by renaming CIP-52-653.0 to "Camino Ruiz, SR-56 to Dormouse Road," and by revising the Project Budget to include Torrey Highlands FBA Funds in the amount of \$35,000;

Approving the expenditure of an amount not to exceed \$13,450,190, contingent upon certification by the City Auditor and Comptroller that the revenues are available at the time reimbursement is scheduled, from the following sources:

- a. \$350,000 from CIP-29-547.0, Fund 79015, for environmental documentation related to Torrey Highlands Neighborhood Park South;
- b. \$9,714,815 from CIP-52-725.0, Fund 79015, for design and construction of Camino Ruiz from SR-56 to Carmel Valley Road;
- c. \$35,000 from CIP-52-653.0, Fund 79015, for alignment studies for Camino Ruiz from SR-56 to Dormouse Road;
- d. \$600,000 from CIP-29-548.0, Fund 79015, for the design and construction of bicycle, pedestrian, and equestrian trails at various locations in Torrey Highlands;
- e. \$985,375 from CIP-70-965.0, Fund 79015, for relocating and upsizing a portion of the Del Mar Heights Pipeline within Torrey Highlands; and
- f. \$1,765,000 from CIP-70-966.0, Fund 79015, for the design and construction of the new 16" water mains in a portion of Torrey Highlands.

CITY MANAGER SUPPORTING INFORMATION:

This agreement establishes the terms for which Western Pacific Housing will be reimbursed for providing FBA funded facilities in Torrey Highlands. Torrey Highlands Neighborhood Park South (Project P-1) is a programmed CIP project in the FY 2002 Torrey Highlands Public Facilities Financing Plan (PFFP). This agreement will reimburse developer for wetlands permitting for the neighborhood park.

Camino Ruiz (Projects T-2.1 and T-2.2) is a programmed CIP project in the FY 2002 Torrey Highlands PFFP. This project calls for the incremental construction of Camino Ruiz ultimately to a six-lane road. This agreement provides for construction of four lanes within a six-lane right-of-way. The name of this roadway was formally changed to Camino Del Sur by the Council on January 14, 2003.

Camino Ruiz (Projects T-3.1 and T-3.2) is a programmed CIP project in the FY 2002 Torrey Highlands PFFP. This project provides funding for alignment studies and design for the widening of this roadway from SR-56 to Dormouse Road in Rancho Penasquitos. The name of the roadway was formally changed to Camino Del Sur by the Council on January 14, 2003.

Torrey Highlands Bicycle/Pedestrian/Equestrian Trail System (Project P-6) is a programmed CIP project in the FY 2002 Torrey Highlands PFFP. This will provide design and construction of trail systems throughout the community. This agreement covers those portions of the system provided by Western Pacific. The remainder of the system is being constructed by other developers.

Del Mar Heights Pipeline Relocation (Project U-2) is a programmed CIP project in the FY 2002 Torrey Highlands PFFP. It provides relocation and upsizing of a portion of the waterline. The remainder is being funded through a separate agreement with another developer.

New 16" Water Mains in Torrey Highlands (Project U-3) is a programmed CIP project in the FY 2002 Torrey Highlands PFFP. This provides a new 16" water line at specified locations in Torrey Highlands.

FISCAL IMPACT:

A total of \$13,450,190 from Facilities Benefit Assessment Fund 79015 is anticipated to be available for reimbursement for the projects, either in the form of cash or credit according to the schedule below. The agreement allows the developer the option of cash or credit reimbursement, but it is anticipated that reimbursement will be requested entirely in the form of credits at the time building permits are issued.

- C Torrey Highlands Neighborhood Park South (CIP-29-547.0) \$350,000 in FY 2003.
- C Camino Ruiz (Camino Del Sur) (CIP-52-725.0) \$5,640,000 in FY 2003, \$2,675,000 in FY 2004, and \$1,399,815 in FY 2005, totaling \$9,714,815.
- C Camino Ruiz (Camino Del Sur) (CIP-52-653.0) \$35,000 in FY 2003.
- C Torrey Highlands Bicycle/Pedestrian/Equestrian Trail System (CIP-29-548.0) \$200,000 in FY 2003, \$200,000 in FY 2004, and \$200,000 in FY 2006.
- C Del Mar Heights Pipeline Relocation (CIP-70-965.0) \$985,375 in FY 2003.
- C New 16" Water Mains (CIP-70-966.0) \$1,765,000 in FY 2004.

Ewell/Goldberg/GH

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-102: MTDB Agreement for Financial Participation in Mid City Transit Gateways Project.

(City Heights, Normal Heights, and Kensington Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1254)

Authorizing the City Manager to execute the Fund Transfer Agreement between the City of San Diego and the Metropolitan Transit District Board (MTDB), which provides for a \$100,000 contribution to the Mid City Transit Gateways Project from MTDB, for the purpose of installing conduit for future electrical, water, and

voice data communication lines for future MTDB facilities;

Authorizing the increase of \$100,000 in the Fiscal Year 2003 Capital Improvements Program (CIP) Budget in CIP-39-232.0, Mid City Transit Gateways project, pending receipt of a fully executed Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 from CIP-39-232.0, Mid City Transit Gateways Project, solely and exclusively for the purpose of providing funds for the above project, pending receipt of a fully executed Agreement, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Mid City Transit Gateways Project (Project) is funded by a Federal TEA21 enhancement grant and a City TransNet match. The Project will add transit shelters and other transit amenities and community identification signage to the freeway bridge decks over I-15 at El Cajon Boulevard and University Avenue.

MTDB plans to use the bridge decks on El Cajon Boulevard and University Avenue for transit rider access to future bus rapid transit (BRT) projects on El Cajon Boulevard and below on the I-15 freeway. MTDB wishes the Project to include infrastructure for future technology and other enhancements and is contributing \$100,000 to the Project to financially assist with design and construction of this effort.

This Council Action would approve the Agreement between City and MTDB; accept the \$100,000 from MTDB; increase the CIP-39-232.0 project budget by \$100,000; and authorize expenditure of this amount for purposes stated in the Agreement.

FISCAL IMPACT:

Agreement provides for a \$100,000 contribution from MTDB to the Mid City Transit Gateways Project, CIP-39-232.0; Council action would approve the Agreement, accepting the \$100,000 grant; increase the FY 2003 CIP-39-232.0 Budget by \$100,000; and authorize appropriation and expenditure of \$100,000 in CIP-39-232.0.

Herring/Cunningham/SM

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-103: Easement Deed - California Department of Transportation.

(San Pasqual/Lake Hodges Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1303)

Authorizing the execution of a deed conveying to California Department of Transportation, an easement for road improvements to State Highway 78, adjacent to Bandy Canyon Road.

CITY MANAGER SUPPORTING INFORMATION:

San Diego County's Department of General Services was required by California Department of Transportation to improve State Highway 78 and provide a right turn pocket for Bandy Canyon Road in order to accommodate increased vehicular traffic to the County's new foster care facility, known as San Pasqual Academy. San Diego County needed a .16 acre highway easement area to complete the required road improvements. The improvements were completed under a Right of Entry Permit, with the stipulation that the County would acquire an easement from the City of San Diego for the property rights necessary to complete the project.

City valuation staff has determined the value of the property rights conveyed to be \$2,500. San Diego County has already transferred a check for this amount to the City and the check has been placed in the City's Trust Account Fund.

FISCAL IMPACT:

The amount of \$2,500 will be transferred from the City's Trust Account Fund to the Water Department, Fund No. 30246.

Herring/Griffith/JBL

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Coast Boulevard Drain.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1308)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$74,296 from CIP-17-001.0, Minor Drain and Seepage Problems, to CIP-11-301.0, Coast Boulevard Drain, TransNet Funds;

Authorizing an additional expenditure in the amount of \$74,296 from TransNet Funds, for the purpose of additional construction costs for CIP-11-301.0, Coast Boulevard Drain, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Authorizing the City Auditor and Comptroller, upon the direction of the City Manager, to reallocate the funding sources for TransNet Funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and reduce the use of Commercial Paper for funding CIP-11-301.0, Coast Boulevard Drain;

Authorizing the City Auditor and Comptroller to return excess funds, if any, to CIP-17-001.0, Minor Drain and Seepage Problems.

CITY MANAGER SUPPORTING INFORMATION:

303 Coast Boulevard Storm Drain Replacement project is located in the La Jolla Community Area. The project consists of replacing 211 linear feet of undersized 10 inch concrete pipe with 18 inch reinforced concrete pipe in a new drainage easement. The project will eliminate the flooding problem at the end of Scripps Lane alley and will relocate the drain pipe from under the buildings at 303 Coast Boulevard.

Preconstruction pot holing revealed two unforeseen conditions that resulted in additions to the scope of work. First, the retaining wall footing that runs parallel to the proposed new horizontal alignment of the drain pipeline on 265 Coast Boulevard is wider than shown on the as-builts by 2-3 feet. Second, the downstream drain pipe (10 inch) across Coast Boulevard is smaller than the size shown by the as-builts (18 inch) and smaller than the upstream drain pipe. These unforeseen conditions necessitated that the proposed drain pipeline be shifted to clear the conflict with the retaining wall footing and deepened to construct a new up-sized drain pipeline and drain structures across Coast Boulevard (the new drain pipeline across Coast Boulevard is not part of the original scope of work for the project). Additional funds in the amount of \$74,296 are required for the revised alignment of the drain pipeline on 265 Coast Boulevard and the additional 30 linear foot of 18 inch reinforced concrete pipe across Coast Boulevard. The total cost for this project including this additional \$74,296 will be \$319,256.

FISCAL IMPACT:

The total cost of the additional work \$74,296 is available from CIP-17-001.0, Minor Drain and Seepage Problems.

Loveland/Belock/PB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-105: Angle Parking on Jewell Street.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1082)

Approving angle parking on the west side of Jewell Street between Fortuna Avenue and La Playa Avenue pursuant to San Diego Municipal Section 86.03;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install angle parking on the west side of Jewell Street between Fortuna Avenue and La Playa Avenue.

Currently, parallel parking exists on both sides of this section of Jewell Street. The installation of angle parking on the west side of the street will provide approximately 25 additional parking spaces, including two disabled parking spaces. A petition representing more than 75% of the affected property owners was submitted in support of this action, and there is sufficient street width to safely accommodate angle parking on the west side and retain parallel parking on the east side. Furthermore, the Pacific Beach Community Planning committee supports this action.

The proposed angle parking on Jewell Street is consistent with the new angle parking Council Policy which is under development. The proposed Policy describes the factors to be considered in approving the installation of angle parking including street geometry, community support and provision of disabled parking.

The proposed Policy has been reviewed and approved by both the Citizen's Review Committee (CRC) and the Subcommittee for the Removal of Architectural Barriers (SCRAB) subject to a number of recommendations which have been incorporated.

FISCAL IMPACT:

Funds for installation of angle parking would be budgeted within the Transportation Department, Street Division's operating budget.

Loveland/Gonzalez/AH

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-106: Amendments to the Formation Procedures for Six (6) Project Area Committees.

(See City Manager Report CMR-03-098. Barrio Logan, City Heights, Crossroads, College, North Park and North Bay Community Areas. Districts-2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1207)

Authorizing the City Manager, or designee, to prepare the necessary amendments to the Procedure for Formation of a Project Area Committee (Procedures) as directed by the Council and to return to the Council for the necessary approvals to implement changes to the Procedures regarding PAC's candidate eligibility and membership definitions for the purpose of standardization.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-107: Appointment to the Qualcomm Stadium Advisory Board.

(See memorandum from Mayor Murphy dated 4/25/2003 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1290)

Council confirmation of the appointment by the Mayor of Mr. William Jeffery III to serve as a member of the Qualcomm Stadium Advisory Board, for a term ending January 1, 2006, replacing Douglas E. Barnhart who has resigned effective April 16, 2003.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-108: FY 2004 California Arts Council Arts Education Demonstration Project Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1324)

Authorizing and directing the City Manager to apply for, accept and administer the CAC grant in an amount not to exceed \$93,366 for the following purposes: 1) maintain a consultant responsible for the Partnership's administrative oversight, marketing, and public relations and coordinating needs; 2) fund in-school residencies; and 3) provide professional development workshops for arts and culture organizations funded through the Commission's Allocations Programs; and to implement related activities in collaboration with the District;

Authorizing the City Auditor and Comptroller to expend the CAC grant in the amount of \$93,366.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture (Commission) is applying for a grant in the amount of \$93,366 from the California Arts Council's (CAC) Arts Education Demonstration Project Program to support the San Diego Arts Education Partnership, a collaborative effort of the City of San Diego Commission for Arts and Culture and the San Diego Unified School District Visual and Performing Arts Department. The Partnership, in its third year, is responsible for ensuring that a comprehensive education in the arts is offered to every student in the District through the development of a new curriculum, teaching training programs and the inclusion of experimental learning opportunities provided by local arts and culture organizations.

The San Diego Arts Education Partnership is a public/private partnership charged with raising funds, organizing and implementing advocacy efforts and ensuring that the Partnerships meets its goals and objectives. Funding will be used to: 1) maintain a consultant responsible for the Partnership's administrative oversight, marketing, and public relations and coordinating needs; 2) fund in-school/residencies; and 3) provide professional development workshops for arts and culture organizations funded through the Commission's Allocations Programs.

No cash match is required.

The contract is effective from September 1, 2003 through August 31, 2004.

FISCAL IMPACT:

There is no fiscal impact.

Herring/Hamilton/VS

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: FY 2004 Tax Anticipation Note (TAN) Financing.

(See letter from the City Attorney dated 3/7/2003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1262)

Authorizing the City Manager and City Treasurer to issue TANS in FY 2003-2004 in one or two series for an amount not to exceed \$150,000,000 and to execute all agreements in connection therewith, including authorization of the expenditure of an amount not to exceed \$55,000 for bond counsel and disclosure counsel fees.

CITY MANAGER SUPPORTING INFORMATION:

The City normally experiences cash flow deficits during the fiscal year in the General Fund as a result of uneven timing of receipt of revenues while expenditures occur at level amounts throughout the fiscal year. The uneven pattern of revenue is primarily due to the receipt of secured property tax payments, which occur in December and April of each year, as well as reimbursements from the State of California and federal government agencies.

In order to pay operating expenses prior to the receipt of the revenues, the City issues short term financing in the form of Tax Anticipation Notes (TAN). The TAN program is self supporting in that the interest revenue earned on the reinvestment of the notes proceeds pays any costs or expenses associated with the issuance of the notes.

FISCAL IMPACT:

Earnings received as a result of reinvesting the Note proceeds will offset all costs of issuing the Notes including anticipated costs not to exceed \$55,000 for bond counsel and disclosure counsel under the terms and conditions set forth in the Two Year Agreement between the City of San Diego and the law firm of Stradling Yocca Carlson & Rauth on file in the Office of the City Clerk as Document No. RR-296499, approved by City Council on May 14, 2002, pursuant to City Council Resolution R-296499.

Frazier/Vattimo/SM

Aud. Cert. 2301121.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Carmel Mountain Road Interchange.

(Sorrento Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1316)

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvement Program to add \$1,200,000 to CIP-52-404.0, Carmel Mountain Road - Interstate 5 Interchange;

Authorizing the City Auditor and Comptroller to appropriate \$1,200,000 from Carmel Valley North Facilities Benefit Assessment (Fund 79002) and transfer it to CIP-52-424.0, Carmel Mountain Road - Interstate 5 Interchange, to supplement funds previously authorized by Resolution R-295080 for acquisition of the Property;

Authorizing the City Auditor and Comptroller, in addition to the \$500,000 previously authorized, to expend an amount not to exceed \$1,200,000 from CIP-52-424.0, Carmel Mountain Road - Interstate 5 Interchange, for costs related to completing acquisition of the Property, including the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution R-295080, adopted June 19, 2001, Council authorized the expenditure of \$500,000 from Sorrento Hills Development Agreement Fund 39063 for the acquisition of property rights required for the construction of the Carmel Mountain Road Interchange with Interstate 5. In addition, on June 19, 2001, Council adopted Resolution R-295079, authorizing an eminent domain action to be filed for the property acquisition, and a condemnation action was filed.

Subsequent to these original authorizations, settlement was reached regarding business concerns on the property (bill board), increases in real estate costs, negotiated settlement proposals (involving project coordination with Caltrans) and processing costs have been incurred. Therefore, additional funding is needed to complete the acquisition of the property. This action will approve additional \$1,200,000 from Carmel Valley North Facility Benefit Assessment (FBA) Fund 79002 to supplement funds originally approved on June 19, 2001. The total cost for the acquisition phase of the project will be \$1,700,000.

FISCAL IMPACT:

This action will increase the budget for CIP-52-424.0 by \$1.2 million, from \$17.8 million to \$19 million. Funds in the amount of \$1,200,000 are available in Carmel Valley North FBA, Fund 79002.

Herring/Griffith/BLM

Aud. Cert. 2301126.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-111: Funding for CIP-52-346.0 District Three Sidewalk Study.

(Greater North Park, Mid-City, and Greater Golden Hill Community Areas.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1257)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$126,000 from Street Division Operating Fund, Fund 10440, to a Private and Others Contribution - CIP Fund, Fund 63022;

Authorizing the appropriation and expenditure of \$126,000 from private and Others Contribution - CIP Fund, Fund 63022, for CIP-52-346.0, District Three Sidewalk Study;

Authorizing the transfer of \$70,000 from CDBG Fund 18537 District Three Sidewalk Funds to CIP-52-346.0 District Three Sidewalk Study;

Authorizing the transfer of \$30,000 from CDBG Fund 18538, District Three Unprogrammed Funds, to CIP-52-346.0, District Three Sidewalk Study.

CITY MANAGER SUPPORTING INFORMATION:

The FY 2003 Capital Improvement Program identifies a project CIP-52-346.0, entitled District Three Sidewalk Study. The Greater North Park, Mid-City and Greater Golden Hill communities were chosen because they are among the oldest in the City. Drainage problems are significant in the communities and are contributing to the deterioration and settlement of the existing sidewalk, curb and gutter.

This project provides for the preparation of a deficiency study to identify sub-standard curb, gutter, sidewalk, pavement and drainage areas that are subject to flooding in areas identified by community input. The project has been approved in the FY 2003 CIP, but was delayed due to unidentified funds. Identification and approval of the funding sources from the Street Division Operating Fund and Council District 3 CDBG Funds is the subject of this Council action. This action will fully fund the CIP project.

FISCAL IMPACT:

Funding for this project is available in the Street Division Operating Fund 10440 (\$126,000), in CDBG Fund 18537 (\$70,000) and CDBG Fund 18538 (\$30,000). Total project cost is \$226,000.

Loveland/Gonzalez/AH

Aud. Cert. 2301102.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-112: Approval and Ratification of the FY 2004-2005 Memorandum of Understanding with the San Diego Police Officers Association.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1336)

Approving the Agreement between the City of San Diego and the San Diego Police Officers Association (POA) regarding wages, hours, and other terms and conditions of employment.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with the Police Officers Association (POA) and reached agreement on FY 2004-2005 Memorandum of Understanding regarding wages, hours, and other terms and conditions of employment.

Pursuant to these negotiations, the Management Team and the POA have agreed to the provisions contained in the successor Memorandum of Understanding on file with the City Clerk's Office.

FISCAL IMPACT:

Costs associated with these agreements are contained in the FY 2004-2005 budgets.

Lexin/AR

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-113: Council District Four Field Office Lease - 6385 Imperial Avenue.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1342)

Authorizing the City Manager to execute a lease agreement with James H. and Rosa O. Smith [Landlord], for approximately 800 square feet of office space

located at 6385 Imperial Avenue for use by the City as a Council District 4 field office, at an initial rental rate of \$900 per month, on the terms and conditions set forth in the Commercial Lease Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Since 1992, the City has leased office space within Council District 4 for use as a District field office, making it more convenient for the community to interface with District 4. To foster this interface, Councilmember Lewis wishes to continue the practice and maintain a field office at 6385 Imperial Avenue. This site, which fronts on Imperial Avenue, is located in the heart of Encanto and is also at the center of the site of the annual Encanto Street Fair. It is conveniently accessible via the San Diego Trolley (which transits along Imperial Avenue) and San Diego Transit buses. It is proposed that the City enter into a lease of the site with James H. and Rosa O. Smith under the following basic terms:

PREMISES: A stand-alone, single tenant store building including: approximately 800 square feet of office space; 460 square feet of outdoor patio space, at no additional rent; and, associated off-street parking area, at no additional rent.

INITIAL TERM: Approximately 20 months.

COMMENCEMENT DATE: The first calendar day following execution by the City Manager.

EXPIRATION DATE: December 31, 2004.

RENT: \$900 per month or \$1.125 per square foot of office space; the Lessor will pay all utility costs, with the exception of telephone service. This rental rate is considered comparable with rates charged for other office space sites similar in size, construction, upkeep, improvements, amenities and location.

USE: Office space for District 4 Field Office.

EXTENSIONS: Two (2) additional one (1) year periods, with a 3% rent increase upon commencement of each 1 year extension.

FISCAL IMPACT:

There will be no additional fiscal impact for FY 2003. The lease costs for this field office have already been encumbered in DE #2300044 under the Office Space Program Budget for FY 2003, Fund 100, Dept 024.

Herring/Griffith/FLR

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-114: Payment of the 2002 13th Check to Retroactive Eligible Retirees.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1228)

Authorizing the Board of Administration for the System to pay 99.07% of the 2002 13th Check from the Reserve Available for Retirees to eligible retirees whose: 1) retirements were approved after October 2002 with an effective date on or before October 31, 2002, or 2) retirements were approved before October 31, 2002, but who were not included in the October 2002 retirement payroll.

SUPPORTING INFORMATION:

San Diego Municipal Code (SDMC) Section 24.1503 describes the Annual Supplemental Benefit, otherwise known as the 13th Check. The annual payment of the 13th Check in any given year is contingent upon Surplus Undistributed Earnings being available for that year, as described in SDMC Section 24.1502. There were insufficient Surplus Undistributed Earnings, as described in SDMC Section 24.1502, to pay the 13th check in 2002. Pursuant to the settlement of the Andrews lawsuit in 1986, a stand-alone account known as the 13th Check Supplemental Benefit Account (13th Check Account) was established and credited with \$2 million dollars. The 13th Check Account contained approximately \$3.5 million dollars in October 2002. Another account dedicated to the 13th Check benefit, called the Reserve for Supplemental Benefit Payments (13th Check Reserve), contained approximately \$175,000 in October 2002. The amounts in the 13th Check Account and the 13th Check Reserve were sufficient to pay a substantial portion, but not all, of the 2002 13th Check. On October 21, 2002, the City Council adopted Resolution Number R-297221, authorizing the Board to pay the 2002 13th Check to all eligible retirees to the extent of the funds available in the 13th Check Account and 13th Check Reserve. The Board paid the 2002 13th Check - to the extent there were funds in the 13th Check Account and 13th Check Reserve - to all retirees eligible to receive the 13th Check who were on the retirement payroll in October 2002.

This resulted in payment to these retirees of 99.07% of the amounts they would have received had the full 2002 13th check been paid. As a result of these payments, the 13th Check Account and 13th Check Reserve were depleted. Since October 2002, the Board has approved, and continues to approve, retirement applications with effective dates of retirement that are on or before October 2002. These retirees are considered to have been on the retirement payroll for October 2002. The Board has determined that there are additional retirees eligible for the 13th Check whose retirements were approved before October 31, 2002, but who were not included in the October 2002 retirement payroll, and therefore did not receive payments as a result of Resolution Number R-297221. The contingent nature of the 13th Check benefit would not be affected by paying 99.07% of the 2002 13th Check to eligible retirees whose: (1) retirements were approved after October 2002 with an effective date on or before October 31, 2002, or (2) retirements were approved before October 31, 2002, but who were not included in the October 2002 retirement payroll. If there are insufficient Surplus Undistributed Earnings in any future year, the Board will not be required to pay the benefit for that year.

Grisson/Lexin/RP

Aud. Cert. 2301124.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-115: Amendment to the FY 2003-2005 Fire Fighters Local 145 Memorandum of Understanding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1331)

Amending Article 43 (Emergency Medical services), Section II of the Memorandum of Understanding for Fiscal Years 2003-2005 between the City and Local 145 to increase the certification pay for all Battalion Chiefs, Captains, Fire Engineers, Firefighters, Fire Prevention Inspectors and Single-role Paramedics who are EMT certified from 7% to 8.5% effective June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The City Management Team and Local 145 of the international Association of Fire fighters have reached agreement to amend the FY 2003-2005 Memorandum of Understanding, Section II of Article 43, Emergency Medical Services, to provide that: Effective June 30, 2005, Emergency Medical Technician (EMT) certification pay shall increase from 7% to 8.5%.

FISCAL IMPACT:

Cost FY 2005 is \$5,320 and FY 2006 is \$1,404,096.

Lexin/Ruiz

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-116: Proposal to Support/Oppose Certain 2003 State Legislation.

(See memorandums from Andrew Poat dated 3/28/2003 and 4/29/2003.)

(Continued from the meetings of 4/28/2003, Item 110 and 5/6/2003, Item S509, last continued at the request of Councilmember Frye, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1236)

Approving the recommendations contained in the Governmental Relations Department's March 28, 2003 report, with the following changes:

1. Change AB 136 from "Oppose" to "Watch", until the City receives additional information.
2. Change ACA 10 from "Watch" to "Support as Priority."
3. Add AB 361 as a "Watch."
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from "Support" to "Watch."
6. Change AB 222 from "Support" to "Strong Support."
7. Change SB 40 from "Support" to "Strong Support."

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 4/2/2003, Rules voted 3 to 0 to approve the recommendations contained in the Governmental Relations Department's March 28, 2003 report with the following changes:

RULE, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: (Continued)

1. Take no position on AB 136 until we get further information (move from "Oppose" to "Watch").
2. Support as a priority ACA 10 (move from "Watch" to "Support as Priority").
3. Add AB 361 as a "Watch."
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from "Support" to "Watch."
6. Indicate strong support for AB 222.
7. Indicate strong support for SB 40.

(Councilmembers Peters, Madaffer, and Mayor Murphy voted yea. Councilmember Inzunza not present. Councilmember Maienschein abstain.)

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-117: Colorado River Quantification Settlement Agreement.

(See City Manager Report CMR-03-095 and Water Conservation Update dated 5/7/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1311)

Supporting the appropriation of \$200 million in Proposition 50 funding, consistent with the revised 2003 Quantification Settlement Agreement (QSA);

Supporting the enactment of legislation providing relief from the California fully protected species statutes for the QSA;

Urging the members of the San Diego region's California Legislative delegation to support the execution of the revised 2003 QSA, including the appropriation of \$200 million in Proposition 50 funds and relief from the California fully protected species statutes.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 5/7/2003, RULES voted 5 to 0 to approve the City Manager's recommendation to: 1) Adopt a resolution supporting the appropriation of \$200 million in State funding consistent with the Quantification Settlement Agreement; 2) support legislation providing relief from the California Fully Protected Species Statutes for the Quantification Settlement Agreement; and urge all members of the San Diego region's California Legislative delegation to support the same. (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-118: State 2002 Resources Bond and State 2000 Park Bond Per Capita Funding.

(See City Manager Report CMR-03-049 Rev.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1286)

Authorizing the City Manager, or his designee, to apply for local assistance funds from the per Capita Grant Program and the Roberti-Z' Berg-Harris Urban Open Space and Recreation Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002;

Authorizing the City Manager, or his designee, to apply for local assistance funds from the Per Capita Grant Program under the California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000 for the following projects: Balboa Park Aerospace Museum Roof; Colina Del Sol Recreation Center Roof Repairs; Forestview Park Tot Lot; Parkside Neighborhood Park Tot Lot Upgrade; Serra Mesa Park Tot Lot Upgrade; South Bay Robert Egger, Sr. Recreation Center Various Repairs; Sunset Cliffs Ladera Stairs Rehabilitation; and University Gardens Tot Lot Upgrade;

Authorizing the City Manager, or his designee, to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, and payment requests and so on, which may be necessary for the completion of the projects;

Authorizing the City Manager, or his designee, to include the San Diego Parks Master Plan Project in the City's 2003 State Legislative Program;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-21-862.0, Balboa Park Aerospace Museum Roof Repairs, Fund 38140; \$45,000 from CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, Fund 39194; \$50,000 from CIP-29-586.0, Forestview Park Tot Lot Upgrade, Fund 38125; \$125,000 from CIP-29-520.0, Parkside Neighborhood Park Tot Lot Upgrade, Fund 38173; \$137,900 from CIP-29-850.0 Serra Mesa Park Tot Lot Upgrade, Fund 38155; \$45,000 from CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs, Fund 39195; \$100,000 from CIP-29-856.0, Sunset Cliffs Ladera Stairs Rehabilitation, Fund 39196; and \$32,100 from CIP-29-513.0, University Gardens Tot Lot Upgrade, Fund 38169, contingent upon receipt of a fully-executed grant agreement;

Authorizing the addition of CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, and CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs to the Fiscal Year 2004 Capital Improvements Program;

Authorizing an increase in the Fiscal Year 2004 Capital Improvements Program Budget of \$150,000 in CIP-21-862.0, Balboa Park Aerospace Museum Roof Repairs, Fund 38140; \$45,000 in CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, Fund 39194; \$50,000 in CIP-29-586.0, Forestview Park Tot Lot Upgrade, Fund 38125; \$125,000 in CIP-29-520.0, Parkside Neighborhood Park Tot Lot Upgrade, Fund 38173; \$137,900 in CIP-29-850.0, Serra Mesa Park Tot Lot Upgrade, Fund 38155; \$45,000 in CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs, Fund 39195; \$100,000 in CIP-29-856.0, Sunset Cliffs Ladera Stairs Rehabilitation, Fund 39196; and \$32,100 in CIP-29-513.0, University Gardens Tot Lot Upgrade, Fund 38169;

Certifying that the City has or will have sufficient funds to operate and maintain the grant funded projects.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/19/2003, RULES voted 5 to 0 to approve the report and direct the City Manager, when the

item is heard at City Council, to prepare a report discussing the status of the “Parks Master Plan” planning process. (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-119: FY 2004 Consolidated Plan.

(See San Diego Housing Commission Report LU&H 03-005.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1301)

Approving the City’s federally required Fiscal Year 2004 Action Plan for Community Development, the third year update of the City’s Five-Year Consolidated Plan; and authorizing the Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.

LAND USE AND HOUSING COMMITTEE’S RECOMMENDATION:

On 4/23/2003, LU&H voted 4 to 0 to approve the Consolidated Plan. (Councilmembers Peters, Zucchet, Atkins, and Frye voted yea. Councilmember Lewis not present.)

NOTE: This is a companion item to the FY 2004 Community Development Block Grant (CDBG) Program Funding.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-120: Modification and Extension of Curbside Recyclable Material Processing Contract.

(See City Manager Report CMR-03-086.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1213)

Authorizing the City Manager to execute a Second Amendment to the Agreement Between the City of San Diego and IMS Recycling Services and Allan Company

for processing, transporting and marketing commingled curbside recyclables;

Declaring that the revenue received under the Second Amendment shall be deposited into Recycling Fund No. 41210.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-121: Cancellation of the Public Safety and Neighborhood Services Committee Meeting of Wednesday, May 28, 2003.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1363)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2003 through December 31, 2003, to delete the Public Safety and Neighborhood Services Committee Meeting of Wednesday, May 28, 2003 at 2:00 p.m.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-122: Madeline Paul Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1353)

Commending Madeline Paul for the outstanding contributions to her community and congratulating her on the celebration of her 80th birthday.

Proclaiming May 8, 2003 to be "Madeline Paul Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-123: Reverend Wayne Riggs Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1318)

Commending Reverend Wayne Riggs for his commitment and dedication to numerous community organizations which advocate for the poor and the working poor and congratulating him upon the occasion of the 50th anniversary of his ordination;

Proclaiming May 4, 2003, to be "Reverend Wayne Riggs Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-124: San Diego Youth Pride Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1317)

Commending San Diego Youth Pride for their commitment to San Diego's LGBT youth community and congratulating them on their first-ever Youth Pride celebration;

Proclaiming May 3, 2003 to be "San Diego Youth Pride Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-125: The 20th Annual International Aids Candlelight Memorial Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1352)

Commemorating the lives of those lost to AIDS;

Proclaiming May 18, 2003, to be “The 20th Annual International Aids Candlelight Memorial Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-126: Scripps Ranch Children’s Hospital Auxiliary Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1310)

Honoring the Scripps Ranch Unit of the Children’s Hospital Auxiliary for their outstanding contributions and service to the people of San Diego;

Proclaiming May 3, 2003 to be “Scripps Ranch Children’s Hospital Auxiliary Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-127: Water Awareness Month.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1325)

Commending the exemplary efforts of the Water Department;

Proclaiming May 2003 to be “Water Awareness Month” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-128: Apostle Lawrence V. Gray Day.

DEPUTY MAYOR INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1322)

Recognizing Apostle Lawrence Velvine Gray for his outstanding, selfless service to his faith and his fellow man;

Proclaiming June 22, 2003, to be “Apostle Lawrence V. Gray Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-129: Motorcycle Awareness Month.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1315)

Proclaiming May 2003 to be “Motorcycle Awareness Month” in San Diego, and commending the organizers and volunteers for their leadership, vision and dedication to the safety of all street and highway users in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-130: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1223)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-131: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-806)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-132: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1165)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-133: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1190)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:**

ITEM-150: Sustainable Buildings Expedite Program.

(See City Manager Report CMR-02-235 and CMR-03-099, this report was not available at Committee.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1362)

Approving the revisions to Council Policy 900-14.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 10/16/2002, Rules voted 5 to 0 to approve the City Manager's recommendations to:

- a. Adopt a program to expedite sustainable buildings through the discretionary and ministerial permit process as stated in the City Manager Report CMR-02-235;
- b. Add the sustainable buildings expedite program to the "Affordable/In-Fill Housing Expedite Program" after the fees have been determined by a separate action later this year; and
- c. Direct the City Manager to prepare revisions to Council Policy 900-14 as stated in CMR-02-235.

(Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON LAND USE AND HOUSING, ORDINANCES TO BE INTRODUCED:

ITEM-151: Development Services Fees.

(See City Manager Reports CMR-03-040 and CMR-03-100 (this report was not available at Committee), memorandum from Tina Christiansen dated 3/18/2003, and letters from Derryl Williams dated 3/13/2003 and C.J. Paderewski dated 3/18/2003 and North Park memorandum.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-151)

Introduction of an Ordinance adopting and revising selected development user fees.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 3/19/2003, LU&H voted 3 to 1 to: a) Approve the report without approving plans for the proposed building before hearing additional uses for the money including using funds to keep community service centers open; b) restructure the Department to provide improved accountability and enhanced service to small business and individual homeowners; and c) work with the technical Advisory Committee (TAC), Small Business Advisory Board (SBAB), the Building Industry Association (BIA), the San Diego Chamber of Commerce, and other interested stakeholder groups to develop specific performance standards to help improve accountability and customer service. (Councilmembers Peters, Atkins and Lewis voted yea. Councilmember Zucchet voted nay. Councilmember Frye not present.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-200: Renewal of the North Bay Redevelopment Project Area Committee (PAC) for One Additional Year of Quarterly Meetings until May 18, 2004.

(Linda Vista, Clairemont Mesa, Midway/Pacific Highway, Old Town, Uptown, Peninsula, Mission Valley Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1208)

Extending the North Bay Redevelopment Project Area Committee for one year from May 2003 to May 2004.

CITY MANAGER SUPPORTING INFORMATION:

In September 1997, the City Council authorized formation of the North Bay Redevelopment Project Area Committee (PAC) for a three-year period of quarterly meetings. The PAC was formed to advise the Council/Agency regarding adoption and implementation of the North Bay Redevelopment Project. In November 1997, the Council ratified the first PAC election results. The North Bay Redevelopment Project was adopted on May 18, 1998, by Ordinance No. O-18516.

In May 2001, the North Bay PAC's standard three-year term ended; but the Council voted to extend the PAC's existence for one additional year. On July 15, 2002, the City Council voted to extend the PAC's existence for a second additional year, until May 18, 2002. On May 7, 2003 the PAC voted to recommend that the Council renew their committee for a third additional year of quarterly meetings.

Discussion:

The Agency has already fulfilled (and exceeded) the minimum legal requirements for maintaining a PAC. Under California Redevelopment Law, a Redevelopment Agency is usually required to consult with the PAC for at least three years.

Under California Redevelopment Law (i.e., California Health & Safety Code, Section 33386), a Redevelopment Agency is required to consult with and obtain the advice of the Project Area Committee concerning policy matters which affect the residents of the Project Area. The Committee also provides recommendations on housing issues.

In the case of North Bay, there are several advantages to renewing the existing PAC for one year. First, the North Bay Area is relatively large (1,360 acres), and it includes land from seven different Community Planning Areas. Thus, future projects may require extensive, complex community involvement. Second, the City/Agency is starting to analyze a potential future project on 95 acres of City-owned land, centered around the San Diego Sports Arena. The North Bay PAC will serve as a useful public forum and will aid the Agency in obtaining community input on current and future projects.

Based on the ongoing need for community involvement in the North Bay Area, staff is recommending that the Council renew the North Bay Project Area Committee for a fourth additional year of quarterly meetings, terminating on May 18, 2004.

FISCAL IMPACT:

Based on last fiscal year's expenditures, the cost of maintaining the North Bay PAC for one additional year from May 2003 until May 2004 is estimated to be approximately \$25,000. This consists of approximately 600 hours of staff time per year, plus costs for PAC elections, mailings, and public notices. North Bay tax increment funds are available for this purpose.

Herring/Cunningham/AG

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Contract Change Order #1 - Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7.

(Continued from the meeting of 4/28/2003, Item 102, at the request of the City Manager to identify exactly how much money we have received and how much we can carry from Fiscal Year 2003 potentially into Fiscal Year 2004 to do some of the work that we did not do in Fiscal Year 2003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1212)

Approving Change Order No. 1 dated February 25, 2003, issued in connection with the contract between the City of San Diego and American Asphalt South, Inc., for Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7; and approving the change reducing the total contract amount by \$922,936.70 (from \$2,616,380 to \$1,693,443.30).

CITY MANAGER SUPPORTING INFORMATION:

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with American Asphalt South Inc., for Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7 in the amount of \$2,616,380. On December 10, 2002, the City was notified of the Governor's mid-year spending reduction plan which included the "elimination of second, third, and fourth quarter FY 2002-2003 apportionments to local agencies for street and road maintenance", (AB 2928 funding). Accordingly, funding from the Street Division Operating Fund for this project will be reduced from \$2,616,380 to \$1,693,443.30.

Contract Change Order #1 reduces the amount of the contract by \$922,936.70 and the number of miles of slurry sealing is reduced from 105 miles to approximately 68 miles. A revised list of the streets to be slurry sealed is being prepared and will be distributed to the Council Members.

FISCAL IMPACT:

Funds for this project, \$1,693,443.30, are available from Street Division Operating Fund 10440.

Loveland/Gonzalez/MMW

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: Contract Change Order No. 2 - Resurfacing Various Streets Citywide Group R-6.

(Continued from the meeting of 4/28/2003, Item 103, at the request of the City Manager, to identify exactly how much money we have received and how much we can carry from Fiscal Year 2003 potentially into Fiscal Year 2004 to do some of the work that we didn't do in Fiscal Year 2003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1227)

Approving Change Order No. 2, dated February 19, 2003, issued in connection with the contract between the City of San Diego and Superior Ready Mix Concrete dba SRM Contracting and Paving, for Resurfacing of Various City Streets Citywide Group R-6 (Bid-K02240C), and approving the change therein set forth, reducing the total contract amount by \$1,000,000 (from \$4,336,102.93 to \$3,336,102.93).

CITY MANAGER SUPPORTING INFORMATION:

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with Superior Ready Mix Concrete, dba SRM Contracting and Paving for the Resurfacing of Various Streets Citywide Group R-6 in the amount of \$4,273,750. Contract Change Order #1, approved by the City Manager, increased the original contract by \$62,352.93 to include MWWD funded resurfacing work associated with a sewer project. This brought the contract total to \$4,336,102.93. On December 10, 2002, the City was notified of the Governor's mid-year spending reduction plan which included the "elimination of second, third, and fourth quarter FY 2002-2003 apportionments to local agencies for street and road maintenance," (AB 2928 funding). Accordingly, Street Division Operating Funds for this project will be reduced from \$3,660,650 to \$2,660,650.

Contract Change Order No. 2 reduces the amount of the contract by \$1,000,000 to \$3,336,102.93, and the number of miles of resurfacing from 26 miles to approximately 21.5 miles. A revised list of the streets to be resurfaced is being prepared and will be distributed to the Council Members prior to the hearing of this item.

FISCAL IMPACT:

Funds for this project are available as follows; \$2,660,650 from Street Division Operating Fund 10440, \$500,000 from Fund 30300/CIP 59-001.0, Annual Allocation to be funded by TransNet Fund 30300, \$70,200 from Sewer Revenue Fund 41506, and \$42,900 from Water Department Fund 41500 for a total of \$3,273,750.

Loveland/Gonzalez/MMW

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-330: Estates at Costa Del Mar.

Matter of approving, conditionally approving, modifying or denying a request to adopt modifications requested by the California Coastal Commission to a rezone previously approved by City Council. Previous Council action on February 26, 2002, approved a rezone of a 10.0 acre site from the AR-1-1 zone (Agricultural-Residential, minimum 10 acre lots) to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) along with the other discretionary permits required for the development project, subject to approval by the California Coastal Commission (CCC). The CCC approved the rezone with the Local Coastal Program Amendment, with modifications requiring split zoning of the site to include AR-1-2 and OC-1-1 (Open Space - Conservation). The project site is located at the northern terminus of Arroyo Sorrento Place, in the Carmel Valley Community Planning Area.

The Estates at Costa Del Mar project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on this project will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Vicky Gallagher, 1222 First Avenue, MS 302, San Diego, CA 92101-4153 before the close of the City Council public hearing.

(See City Manager Report CMR-03-091. RZ/PTS No. 3102/WO# 40-0247. Carmel Valley Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-140)

Introduction of an Ordinance of the Council of the City of San Diego changing 10.0 acres, located at the northern terminus of Arroyo Sorrento Place, in the Carmel Valley Community Plan area, in the City of San Diego, California, from the AR-1-1 Zone to the AR-1-2 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0303 and 131.0203; repealing Ordinance No. O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith; and approving an amendment to the Local Coastal Program.

OTHER RECOMMENDATIONS:

This project (reconsideration of a rezone previously approved by Council) did not go back

to Planning Commission after action by the Coastal Commission.

The Carmel Valley Community Planning Group has been notified of this item and has not submitted a recommendation. Note: The CPG was contacted regarding this reconsideration of the rezone, but the project was not formally presented to the CPG and no formal recommendation vote was submitted. However, application of the OC-1-1 zone over part of the property (5.87 acres out of 10 acres) will provide additional assurance that open space will be preserved, which was an important issue to the Planning Board during the original project review.

CITY MANAGER SUPPORTING INFORMATION:

Background

On February 26, 2002, the City Council approved the Estates at Costa Del Mar project to subdivide a 10 acre site in the Carmel Valley Community Plan area to create four (4) lots of a minimum one-acre size for the development of custom single family residences. The project site is located at the northern terminus of Arroyo Sorrento Place and is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots).

The project approved in 2002 proposed to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 4 proposed lots. The majority of the property is within the Coastal Overlay Zone. The Estates at Costa Del Mar project approved in February of 2002 increased the area of the project site designated as Multi-Habitat Planning Area (MHPA) from 3.52 acres to 5.87 acres.

The discretionary actions approved by City Council in February 2002 for the Estates at Costa Del Mar project included a Vesting Tentative Map, Coastal Development Permit, Site Development Permit, Planned Development Permit, Rezone (from AR-1-1 to AR-1-2), Multi-Habitat Planning Area (MHPA) boundary adjustment and Local Coastal Program Amendment. The project included Design Guidelines for the custom homes. The Local Coastal Program Amendment, which consisted only of the rezone, is subject to approval by the California Coastal Commission (CCC).

The Estates at Costa Del Mar project was scheduled for CCC meeting on November 11, 2002, but was continued at the request of CCC staff. On March 4, 2003, the CCC heard and approved the proposed Local Coastal Program Amendment, with modifications. The CCC modifications require split zoning of the subject property to include AR-1-2 and OC (Open Space-Conservation) rather than just AR-1-2. This modification is required by the CCC to provide them with the assurance they need to ensure preservation of open space. The area of the property to be zoned OC-1-1 (5.87 acres) is identical to the area of the property that is to be dedicated MHPA conservation easement area as approved with the project by City Council. No changes to the approved development project are proposed or required with the requested rezone. The action presently before City Council is only the proposed rezone from AR-1-1 to AR-1-2 and OC-1-1. The action taken by City Council will be brought back to the CCC for final action.

Discussion

The split zoning required by the CCC for the Estates at Costa Del Mar project is consistent with the Carmel Valley Community Plan (Plan) and can be supported by staff. The Plan designates the subject property as Very Low Density Residential (0-5 DU/acre) and Open Space. The density of the proposed project is 0.4, which is within the allowable density range.

In accordance with the objectives of the Community Plan, the Estates at Costa Del Mar project has been designed to promote the preservation of the natural environment. The application of the OC-1-1 zone over 5.87 acres of the 10 acre site is consistent with the goals and objectives of the Community Plan and will serve to preserve the natural environment. The current request by the CCC to rezone a portion of the site to OC-1-1 rather than AR-1-2 does not alter the development plan for the site that was approved by City Council on February 26, 2002 in any way. The purpose of the OC-1-1 zone is to protect natural and cultural resources and environmentally sensitive lands. The land area now proposed to be rezoned to OC-1-1 is identical to the portion of the site that was required as a condition of the original project to be dedicated MHPA conservation easement. No development would be allowed to occur in the designated MHPA conservation easement area, nor will development be allowed in the OC-1-1 zone. The MHPA conservation easement area remains a feature and condition of the Estates at Costa Del Mar project.

If the City Council approves the requested rezone modification, the resolutions adopted on February 26, 2002 for the Tentative Map, Coastal Development Permit, Site Development Permit, and Planned Development Permit will be modified to reflect the addition of the OC-1-1 zone. Documentation of the action taken by City Council will be provided to the CCC for final certification.

FISCAL IMPACT:

None with this action. All Development Services Department processing costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located at the northern terminus of Arroyo Sorrento Place, in the Carmel Valley Community Planning Area, with a private driveway providing access to each lot and is more particularly described as a Portion of Parcels 2 and 3, Parcel Map No. 11968, Map 11697 - Carmel Valley Inn.

NOTE: This activity is categorically exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Vacation of a Portion of Union Street.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1174)

Vacating a portion of Union Street, reserving out a general utility and access easement, as more particularly described in the legal description, as Exhibit "A" and as shown on Drawing No. 19883-B, as Exhibit "B", is ordered vacated;

That this resolution shall not become effective unless and until the following conditions have been met: The installation of curb, gutter and sidewalk on Redwood Street adjacent to the vacated street. In the event the above conditions are not completed within thirty-six months following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this resolution with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Union Street located in the Uptown Community area within Council District 2. This portion of the street is a remnant of Union Street that was vacated per Map 14413. The street is unimproved and there are no plans to construct a street at this location. A general utility and access easement will be reserved over a portion of the area to be vacated. The applicant has experienced flooding in his garage due to the topography of the terrain and wants to install curb, gutter and sidewalk to divert the water. On September 2, 2002, the Uptown Planners recommended approval of the street vacation by a vote of 13-1-1.

The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation contingent upon the applicant installing curb, gutter and sidewalk improvements on Redwood Street adjacent to the vacated portion of Union Street.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquire or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and

will relieve the City of any liability.

- c) That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a MCCPD-MR-1500 zone which is consistent with the community plan land use designation. Uptown Planners recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Affordable/In-fill Housing Expedite Program.

Matter of approving, conditionally approving, modifying or denying the following three actions: 1) an amendment to City Council Policy 600-27 which will establish the new Affordable/In-Fill Housing Expedite Program which defines procedures for processing affordable and in-fill housing projects; 2) an amendment to the Municipal Code to grant City staff the authority to expire discretionary permit applications after 90-days of inactivity; and 3) an amendment to the Municipal Code to allow deviations from development regulations as an additional incentive for affordable/in-fill housing projects.

The proposed Municipal Code amendments will be effective City-wide, including within the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on the proposed Municipal Code amendments will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Mike Westlake, 1222 First Avenue, MS 501, San Diego, California,

92101, before the close of the City Council public hearing. (City-Wide)

(See City Manager Report CMR-03-096. Amendments to City Council Policy 600-27 and the San Diego Municipal Code.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A; and introduce the ordinances in Subitems B, C, and D:

Subitem-A: (R-2003-1349)

Adoption of a Resolution amending Council Policy No. 600-27 regarding Affordable/In-Fill Housing Expedite Program.

Subitem-B: (O-2003-142)

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 14, Article 3, Division 3, by amending table 143-03A under section 143.0302 relating to supplemental Neighborhood Development Permit or Site Development Permit regulations applicability; and by adding a new Division 9, Sections 143.0910, 143.0915 and 143.0920 relating to the San Diego Affordable Housing/In-Fill Housing Projects.

Subitem-C: (O-2003-141)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 1, of the San Diego Municipal Code by adding Section 126.0114, relating to the authority to close an application due to inactivity.

Subitem-D: (O-2003-153)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 5, of the San Diego Municipal Code, by amending Section 126.0504, pertaining to site development permits.

OTHER RECOMMENDATIONS:

Motion #1: The Planning Commission on April 24, 2003, approved the staff recommendation (by a vote of 6-0) (**YEAS:** Lettieri, Brown, Schultz, Steele, Garcia, Chase) with the following changes:

1. Letter "D" on the Eligibility List of Council Policy 600-27 should be revised as follows:

~~Urban In-fill housing development projects of 10 units or more within "Urbanized" areas of the City as defined in the Progress Guide and General Plan. These in-fill development projects are eligible for expedited processing under this policy~~

provided that all of the dwelling units are affordable to households earning no more than 150 percent AMI for both rental and for-sale (first ownership cycle only) units. In-fill housing development projects need to provide a larger number of affordable housing units than they replace, where applicable.

2. For the proposed Municipal Code amendment for deviations, the third Supplemental Finding reads, “The deviation is necessary to make it economically feasible for the applicant to develop an affordable/in-fill housing project.” The Planning Commission recommended that if staff determines that an economic analysis is necessary to support a deviation, that analysis should be submitted no later than the first review cycle.
3. Staff should create development review guidelines for affordable/in-fill housing projects that community planning groups can utilize for project review.
4. Status reports regarding the Affordable/In-fill Housing Expedite Program should be provided on a regular basis to CPC, the Planning Commission, and T.A.C.
5. The definition of “Military Housing” should be expanded, and the affordability levels for military housing within Council Policy 600-27 should be consistent with the affordability levels contained within the military’s own policy.
6. For the proposed Municipal Code amendment for deviations, the first Supplemental Finding reads, “The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.” Staff should establish standards to better define the words “materially assist.”

Motion #2: The Planning Commission approved the following recommendation (by a vote of 5-1): (**YEAS:** Lettieri, Brown, Schultz, Steele, Garcia; **NAYS:** Chase).

While the Planning Commission supports an expedite program for sustainable buildings, it should have its own expedite program, or, if it is to be included in the Affordable/In-Fill Housing Expedite Program, a project with sustainable buildings would be eligible for expedited permit processing only if the project also includes an affordable housing component; no opposition.

The Community Planners Committee (CPC), on March 25, 2003 and April 22, 2003, recommended approval of the staff recommendation.

CITY MANAGER SUPPORTING INFORMATION:

On August 6, 2002 (“Housing Day”), the City Council took several actions relative to housing issues including declaring a housing state of emergency; directing staff to proceed with the creation of an inclusionary housing ordinance; approving the Comprehensive Affordable Housing Collaborative’s recommendation to leverage redevelopment set-aside funds to create up to \$55 million in affordable housing financing (the Council authorized staff to release the Notice of

Funding Availability on January 28, 2003); and approving the Affordable/In-fill Housing Expedite Program.

As part of the Affordable/In-fill Housing Expedite Program, the City Council directed the City Manager to implement various procedural changes necessary to expedite affordable/in-fill housing projects. These procedural changes include amendments to Council Policy 600-27 (The Affordable/In-fill Housing Expedite Program - See Attachment 1), an amendment to the Municipal Code to grant staff the authority to expire development permit applications due to inactivity (see Attachment 2), and an amendment to the Municipal Code to allow deviations from development regulations as an additional incentive for affordable/in-fill housing projects (see Attachment 3).

FISCAL IMPACT:

Implementation of the Affordable/In-fill Housing Expedite Program will require additional staff, which are included in the Development Services Department fee proposal, and which will be fully cost recoverable through permit fees.

Ewell/Christiansen/MJW

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Inclusionary Housing Ordinance And Associated Implementing Documents.

Matter of approving, conditionally approving, modifying or denying the following five actions: **1.)** Adoption of an Inclusionary Housing Ordinance that would require ten percent of all new residential developments of two or more units to be affordable housing units. Developers will have option of building the affordable units on the original development site or an alternative site subject to certain conditions or may pay an in lieu fee to the City; **2)** Certification of Negative Declaration No. 42-0939; **3)** Adoption of amendments to the Housing Trust Fund Ordinance to expand the program to include new revenues produced through the Inclusionary Housing Program; **4)** Adoption of the Inclusionary Housing Fund Annual Plan; **5)** Adoption of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

The proposed Municipal Code amendments will be effective Citywide, including within the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on the proposed Municipal Code amendments will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the

amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Housing Commission, Susan Tinsky, 1625 Newton Avenue, San Diego, California, 92101, before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this information, you can contact the City Project manager listed above. (City-Wide)

(See San Diego Housing Commission Report CCR No. 03-002. Inclusionary Housing Program Ordinance/Amendments to Housing Trust Fund Ordinance/ND LDR No. 42-0939/City of San Diego Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual/Inclusionary Housing Fund Annual Plan.)

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION:

Introduce the ordinances in subitems A, B, and C; and adopt the resolutions in subitems D, E, and F:

Subitem-A: (O-2003-135 Cor. Copy)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14, Article 2, of the San Diego Municipal Code, by adding a new Division 13, Sections 142.1301, 142.1302, 142.1303, 142.1304, 142.1305, 142.1306, 142.1307, 142.1308, 142.1309, 142.1310, 142.1311, and 142.1312, all pertaining to the provision of affordable housing through inclusionary zoning.

Subitem-B: (O-2003-136)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 9, Article 8, Division 5, of the San Diego Municipal Code, by amending Section 98.0501; by repealing Section 98.0502; amending and renumbering the current Section 98.0503 to Section 98.0502; by amending and renumbering the current Section 98.0504 to Section 98.0503; by creating a new Section 98.0504; by amending and renumbering the current Section 98.0505 to Section 98.0506 and creating a new Section 98.0505; by amending and renumbering the current Section 98.0506 to Section 98.0507; by amending and renumbering the current Section 98.0507 to Section 98.0508; by amending and renumbering the current Section 98.0508 to Section 98.0509; by amending the current Section 98.0509 to Section 98.0510; by repealing the current Section 98.0510; by repealing the current Section 98.0511; by amending and renumbering the current Section 98.0512 to Section 98.0511; by renumbering Section 98.0522 to Section 98.0512; by amending and renumbering Section 98.0523 to Section 98.0513; by amending and renumbering Section 98.0524 to Section 98.0514; by amending and renumbering Section 98.0525 to Section 98.0515; by amending and renumbering Section 98.0526 to Section 98.0516; by renumbering Section 98.0527 to Section to

Section 98.0517; by amending and renumbering Section 98.0528 to Section 98.0518, all pertaining to the San Diego Housing Trust Fund; and amending Chapter 9, Article 8, Division 6 by renumbering Section 98.0503 appearing within the text of those sections to read Section 98.0504; by renumbering Section 98.0504 appearing within the text of those sections to read Section 98.0505; by renumbering Section 98.0523 appearing within the text of those sections to read Section 98.0513, all relating to the housing impact fees on commercial development.

Subitem-C: (O-2003-143)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 113.0103, all pertaining to land development terms.

Subitem-D: (R-2003-1339)

Adoption of a Resolution certifying that Negative Declaration LDR No. 42-0939, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Affordable Housing Ordinance and associated implementing documents;

That the Council finds, based upon the Initial Study and any comments received, that there is not substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-E: (R-2003-1340)

Adoption of a Resolution certifying the San Diego Inclusionary Affordable Housing and Monitoring Procedures Manual.

Subitem-F: (R-2003-1341)

Adoption of a Resolution certifying the Inclusionary Housing Fund Annual Plan.

OTHER RECOMMENDATIONS:

The items were heard by the Community Planners Committee on April 22, 2003. The Committee did not make a recommendation on the items.

On April 24, 2003, the Planning Commission voted unanimously to support all items with three additional recommendations: 1) condominium conversions be subject to the inclusionary housing program; 2) that staff consider ways that the program can ensure sufficient flexibility to development located within CCDC's jurisdiction; and 3) large-scale development be required to construct affordable housing on-site without the option for the payment of an in-lieu fee. The San Diego Housing Commission voted unanimously on April 25, 2003 to support all items with one recommendation. They recommended limiting the ability to construct affordable units offsite within the Community Planning Area by requiring a Process Four approval and removing the ability to construct the affordable housing outside the Community Planning Area.

Future Related Actions: This Ordinance and other implementing documents will be considered by the Centre City Development Corporation Board on May 14. The Program will require Coastal Commission approval to be enacted in coastal areas.

CHIEF EXECUTIVE OFFICER'S SUPPORTING INFORMATION:

Background

On August 6, 2002, the San Diego City Council adopted a concept for an inclusionary housing program for the City of San Diego. The City Council gave direction to staff to integrate the following elements into an Inclusionary Housing Ordinance and return to Council for its full adoption:

- C 10% of all new housing would be set aside as affordable housing at 65% Area Median Income (AMI) for rental units and at 100% AMI for for-sale units.
- C Inclusionary units can be provided on the same site as the market-rate development (on-site) or on a secondary site within the same Community Planning Area (off-site).
- C For-sale units targeted for households earning at or below 150% AMI would be exempt from the above requirements. Units must have 2 or more bedrooms to qualify.
- C A fee could be paid in lieu of providing affordable housing, at the developer's option. The fee would be charged on a "per square foot" basis on the area of the entire project. This fee would be phased in over a three year period as follows:
 - For Projects of 10 or more units
 - Year 1 - \$1.00/Square Foot
 - Year 2 - \$1.75/Square Foot
 - Year 3 - \$2.50/Square Foot
 - For Projects of less than 10 units
 - Year 1 - \$.50/Square Foot
 - Year 2 - \$.875/Square Foot
 - Year 3 - \$1.25/Square Foot
- C All program requirements would apply to projects of two or more units.
- C Within the Future Urbanizing Area, current regulations would remain in effect, with the modification that 20% of new housing be affordable at *an average* of 65% AMI.
- C A wide range of developer incentives would be pursued. Processing timeline commitments and expediting mechanisms would be in place at the time of implementation.
- C Rents would be restricted for 55 years. Individual purchasers would be allowed to resell, with financial recapture provisions.

C The program would be subject to periodic evaluation.

FISCAL IMPACT:

Recommendation 1 would result in costs associated with the implementation and administration of the program within the Development Services Department, Facilities Finance Department, and the San Diego Housing Commission. Departmental costs vary in impact and most would be recouped through administrative and other fees. It is estimated that the program will produce approximately \$7.5 million of revenue in the first year from the collection of in-lieu fees that can be used for the production of affordable housing.

Morris/Ewell/Goldberg

LEGAL DESCRIPTION:

The Inclusionary Housing Ordinance would apply citywide and be incorporated into the City's Land Development Code. This would require an Amendment to the City's Local Coastal Program for the Ordinance to become effective in that portion of the City located in the Coastal zone.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT



THE CITY OF SAN DIEGO
MANAGER'S REPORT

DATE ISSUED: May 6, 2003

REPORT NO. 03-095

ATTENTION: Rules, Finance and Intergovernmental Relations Committee
Agenda of May 7, 2003

SUBJECT: Report from the San Diego County Water Authority's City
delegation on the Quantification Settlement Agreement

SUMMARY

Issue – The revised Colorado River Quantification Settlement Agreement (QSA) will be jeopardized without an appropriation of \$200 million of state funds. Without a timely settlement of the QSA, the San Diego region risks a shortage of imported water supplies, an increased cost of water, and continued disagreements among Colorado River Basin water agencies as relates to allocation entitlements.

Manager's Recommendation(s) – 1) Adopt a resolution supporting the appropriation of \$200 million in state funding consistent with the QSA; 2) support legislation providing relief from the California Fully Protected Species statutes for the QSA; and, urge all members of the San Diego region's California legislative delegation to support the same.

Other Recommendation(s) – none.

Fiscal Impact – Adoption of the attached resolution will have no direct fiscal impact to the City of San Diego. However, failure to implement the QSA would likely result in significant reductions of Colorado River water made available to the City of San Diego by its imported water suppliers. Other imported water sources may be available but are considered by City staff to be more expensive and more risky.

BACKGROUND

On March 12, 2003, California's Colorado River agencies and representatives from Governor Davis' office reached agreement on a revised 2003 QSA. The revised QSA accomplishes the original QSA objectives necessary to restore surplus Colorado River water from the Interim Surplus Guidelines and implement a package of water transfers and other water supply projects, including the Imperial Irrigation District (IID)/San Diego County Water Authority (CWA) water transfer. The revised package calls for state funding of \$200 million and authorization for the limited take of species listed as "fully protected" under California law. Legislation is required for each of these purposes to execute the revised QSA.

DISCUSSION

The revised 2003 QSA requires \$200 million in state funds to be allocated towards conservation, environmental and other projects supporting the CWA/IID water transfer. Funds for this purpose may come from Proposition 50, a \$3.4 billion water bond passed by the voters in November 2002. Senate Bill 117, (Machado, D-Linden) has been introduced to appropriate \$200 million from Proposition 50 to satisfy this QSA requirement.

The revised 2003 QSA also requires authorization for the limited take of some species listed among California's fully protected species. In return for limited relief from these statutes, the QSA will provide significant benefits to the Salton Sea. These include a requirement that the QSA programs will not have a material impact to the projected salinity level of the Salton Sea for 15 years. This 15-year period will allow sufficient time for the state and federal governments to identify, adopt, fund and begin implementing a reclamation plan for the Sea. Additionally, the legislation will require the implementation of an adaptive management program for species at the Salton Sea and the lower Colorado River. This will be accomplished through a combined Habitat Conservation Plan/Natural Community Conservation Plan. Without this significant package of benefits, the future of the Salton Sea would be in even greater doubt. This QSA requirement could be resolved through the passage of SB 317, (Kuehl, D- Santa Monica), a bill similar to SB 482 of 2002, which was enacted into law, but was suspended when the QSA was not executed by Dec. 31, 2002.

The QSA provides statewide benefits by obtaining additional Colorado River water for urban Southern California, relieving pressure on alternative Bay-Delta water resources and the State Water Project (SWP). Benefits of the QSA are both near-term, by reinstating Interim Surplus Guidelines, and long-term by resolving longstanding disputes regarding Colorado River water use among the Colorado River basin water agencies and through the implementation of numerous water transfer and water supply projects.

ALTERNATIVE(S)

(1) Do not adopt the attached resolution; (2) Adopt an amended resolution.

Respectfully submitted,

Richard Mendes
Utilities General Manager

MENDES / CCP

Note: The attachment is not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachment: Resolution supporting the Colorado River QSA



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: April 23, 2003 REPORT NO. 03-086

ATTENTION: Natural Resources & Culture Committee
Agenda of April 30, 2003

SUBJECT: Modification and Extension of Curbside Recyclable Materials Processing Contract

REFERENCE: City Manager's Report 98-138, dated June 24, 1998
City Manager's Report 98-205, dated October 14, 1998
City Manager's Report 99-131, dated June 17, 1999

SUMMARY

Issue - Should the City modify and extend its current agreement with IMS Recycling Services and the Allan Company for the processing and marketing of materials collected in the City's curbside recycling program?

Manager's Recommendation - Authorize the City Manager to modify and extend the current agreement with IMS Recycling Services and the Allan Company to process and market the materials collected in the City's curbside recycling program.

Other Recommendations - None

Fiscal Impact – Per Municipal Code Section 66.0135, revenues derived from the sale of recyclable commodities shall be paid into the Recycling Fund. The revised contract would provide the City's Recycling Fund a guaranteed price of \$17.50 for each ton of recyclable material delivered to IMS Recycling Services and the Allan Company for the first year of the revised agreement, and would increase the price by \$0.25 per ton each year for the remainder of the agreement. At current annual tonnages, the new revenue structure would increase guaranteed annual revenue to the City from \$612,000, under the current agreement, to \$1.19 million in the first year of the new agreement and increase its revenue by approximately \$17,000 per year for the remainder of the agreement. This would result in a total increase in guaranteed revenue of \$6,545,000 over the ten year term of the proposed agreement. The

revised contract also provides for the City to receive 50% of additional revenues when the material's aggregate per ton value exceeds \$102. The contractors would also provide an additional \$25,000 per year for contamination reduction education programs.

BACKGROUND

The Environmental Services Department (ESD), currently provides single stream automated collection of curbside recyclables to 275,000 residences on a bi-weekly schedule. Single stream collection and processing of recyclables is becoming the national standard in curbside recycling collection because it provides greater collection efficiency, allows residents to place all recyclables in one container, discourages scavenging of materials and minimizes driver injuries.

On October 19, 1998, upon completion of a competitive RFP process, the City Council approved a contract with IMS Recycling Services and Allan Company (Contractors) for processing, transporting and marketing commingled curbside recyclables collected by City forces. The current contract consists of a five-year base-term, which expires December 13, 2003, and includes five, one-year extension options that can be exercised at the City's option. The first option has been exercised, extending the contract expiration date to December 13, 2004.

To ensure that the current agreement is being administered effectively and that the Contractors are acting in good faith and keeping accurate records, ESD requested both internal and external audits. The audits were conducted by Eugene Ruzzini, Fiscal Advisor to the City's Public Works Business Center and Doug Enger, of the City's Auditor and Comptroller's Audit Division. After reviewing how the Contractors' payment information is reviewed, verifying the mathematical accuracy of payments, confirming the accuracy of commodity sales prices reported, and testing the accuracy of purchase orders reported for the aggregate ton value calculations, audit findings indicated ESD is effectively administering the contract and the City's interests are being protected.

DISCUSSION

In discussions with the current contractors regarding the five one-year extension options allowed within the existing contract, the Contractors submitted a proposal for the City's consideration that would provide additional benefits and revenue to the City. This proposal is recommended at this time for the following reasons:

Optimal Working Relationship: To date, ESD has been favorably impressed with the professionalism, service response and marketing skills exhibited by the Contractors. This public/private partnership has contributed to making the City of San Diego's curbside recycling program one of the premier programs in the nation.

Guaranteed Revenue: Best-in-class comparisons done by an external consulting firm indicated that the City's current agreement results in receipt of between 2.4% and 86.6%

more revenue than comparative cities in similar circumstances. Modifications described below and in the proposed contract amendment would further improve the agreement and make it even more favorable to the City.

Dual Facilities: IMS Recycling Services operates a processing facility in the south/central part of the City (28th Street and Boston Avenue) and Allan Company operates a processing facility in the north part of the City (Miramar Road and Consolidated Way), which allows for more efficient routing of City trucks.

Central Facility: The Allan Company facility is especially convenient because it is located just a short distance (less than one mile) from ESD's Miramar Place Operations Station, the home base for the City's Collection Services fleet.

Local Technology: IMS Recycling Services' sister company, CP Manufacturing, supplies the processing and sorting equipment for the two facilities. CP Manufacturing is recognized world-wide for its single stream curbside processing equipment. This synergy allows for optimal equipment operation and minimization of down time.

Material Marketing: Allan Company is recognized throughout southern California for the volume of recyclable material it markets domestically and overseas, as well as the favorable pricing resulting from this high volume. In December 2002, the Allan Company was recognized by *Recycling Today Magazine* as the largest paper recycler in California.

ESD retained the services of Hilton, Farnkopf and Hobson (HF&H) to provide a best-in-class benchmark of our current agreement and to outline the opportunities to strengthen the current contract.

HF&H compared the City's agreement with five other current agreements that are fully operational. The cities in the comparisons were Phoenix, Arizona and the California cities of Burbank, Los Angeles, San Bernardino, and Santa Monica.

When HF&H modeled our current agreement under the revenue structures of the other agreements, they found that San Diego's Contractor's had out-performed all other cities' contractors in similar circumstances operating similar programs. The City currently receives between 2.4% and 86.6% more revenue than the benchmark cities. This analysis confirmed ESD's confidence in the Contractors' performance to date.

The proposed amended contract would further increase revenues by raising the base payment from \$9.00/ton to \$11.50/ton and would increase an additional \$0.25/ton in each subsequent year. In addition, the City would continue to share 50% of the revenue over \$90/ton aggregate value. The Contractor would guarantee an aggregate ton value of \$102/ton which would provide the City with an additional \$6/ton guaranteed payment. This new revenue structure would increase the guaranteed annual revenue to the City from \$612,000 under the current agreement to \$1.19 million in the first year of the proposed amendment, increasing by approximately \$17,000 per year after that for an estimated total increase of \$6,545,000 over the proposed ten-year agreement. This revenue is necessary for the continued financial viability of the Recycling Fund thereby helping to ensure the continued provision of curbside commodity collection and greenery collection programs to benefit San Diego Residents.

In addition to base revenue and revenue sharing, the Contractors agree to deposit \$25,000 annually

into the Recycling Fund for contamination reduction efforts. High contamination rates are undesirable and could put the curbside recycling program in jeopardy by causing the Contractors to have to secure a different type of operational permit from the California Integrated Waste Management Board.

In return for these increases in revenue to the City, the performance period would be modified to reflect a new six-year base term, with two, two-year extension options, for a maximum term of ten years. The term for the proposed revised Agreement would be tied to the City's Fiscal Year, which runs from July 1 to June 30.

Approval of this recommendation will allow the new contract terms to commence on July 1, 2003 thus putting the more favorable revenue structure into place significantly sooner than the current contract's expiration date of December 13, 2004.

ALTERNATIVE

1. Continue operating under the existing agreement. This could result in the City receiving less guaranteed revenue and less overall revenue.
2. Open the process to competitive bidding, which is not recommended given the results of the "best-in-class" comparison analysis and the current economic uncertainties.

Respectfully submitted,

Richard L. Hays
Environmental Services Director

Approved: George I. Loveland
Senior Deputy City Manager

HAYS/KPP



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: October 10, 2002 REPORT NO. 02-235

ATTENTION: Committee on Rules, Finance, and Intergovernmental Relations
Agenda of October 16, 2002

SUBJECT: SUSTAINABLE BUILDINGS EXPEDITE PROGRAM

REFERENCE: Council Policy 900-14 and Manager's Report 02-085 "Affordable/In-Fill Housing Expedite Program"

SUMMARY

Issue - Should the Committee on Rules, Finance, and Intergovernmental Relations of the City of San Diego City Council recommend to the City Council a sustainable buildings expedite program be implemented?

Manager's Recommendation -

1. Recommend that the City Council adopt a program to expedite sustainable buildings through the discretionary and ministerial permit process as stated in this report.
2. Recommend that the City Council add the sustainable buildings expedite program to the "Affordable/In-Fill Housing Expedite Program" after the fees have been determined by a separate action later this year; and
3. Direct the City Manager to prepare revisions to Council Policy 900-14 as stated in this report for City Council consideration.

Other Recommendations – None.

Environmental Impact - None with this action.

Fiscal Impact - Implementation of this program will come under the Program Manager previously approved in the CMR 02-085, "Affordable/In-Fill Housing Expedite Program" in the FY 2003 budget. Additional staff will be needed for the sustainable buildings

expedite program and will be fully cost recoverable through permit fees which will be included in the department's comprehensive fee study by a separate action later this year.

Code Enforcement Impact – None with this action.

BACKGROUND

Council Policy (CP) 900-14 currently provides incentives to developers and builders who build projects that exceed the State of California Title 24 energy requirements by 30% for residential projects and 15% for commercial projects. One of the incentives includes expediting the ministerial permit process for projects that meet these criteria.

Certain developers are designing residential and commercial buildings utilizing technologies such as photo voltaic and fuel cells that generate electricity back into SDG&E electric grid. At the Rules Committee meeting of July 10, 2002, Mr. Michael Turk; a builder of sustainable buildings, Mr. Scott Anders of the San Diego Regional Energy Office, and Mr. Scott Whitley; a lead member of alternative energy systems proposed the establishment of a special development team to handle expediting the discretionary and ministerial permit process for commercial, industrial, and residential projects which meet certain energy generation requirements. The Rules Committee directed the City Manager to respond to the proposal and report back to the Rules Committee with recommendations. Mr. Turk's proposal is included as Attachment 1. More specifically, Mr. Turk's proposal is listed in *italics* with staff's recommendations provided below:

- *Creation of a City ordinance to specifically expedite the processing time of planning, engineering, and building permits for sustainable buildings:* Council approval of this report will make changes to the City's expedite program policy that will accomplish this goal. Therefore an ordinance is not necessary.
- *Designate row homes and town homes with assumed property lines as single family residences so they would qualify for energy credits from the State of California Energy Commission and SDG&E:* This issue has been referred to the department's Chief Building Official, Isam Hasenin, P.E. Mr. Hasenin is addressing this issue in conjunction with the Technical Advisory Committee. In addition, staff is pursuing the adoption of statewide legislation to allow local jurisdictions to adopt more favorable alternate building code regulations for row homes.
- *Reduce Development Services' deposit fee accounts by 50% for sustainable building:* Since Development Services is an enterprise fund, all its services must be cost recoverable and the City cannot extend credit to any developer for this service. As such, reducing deposit fees by 50% is not an appropriate action for the City to take.
- *Provide public access computer terminals where the City data on the SANGIS and Cabrillo systems is available to identify possible issues on a project:* SANGIS is the City

provider of all geographic information to the public. They do provide a public information terminal where GIS maps may be viewed and copies can be requested for a fee. In addition, Development Services provides, without charge, appointments where parcel specific information can be obtained from City staff.

On July 17, 2002, staff met with Mr. Turk, Mr. Anders, Mr. Whitley, and members of the building industry. After soliciting input and feedback, staff recommends adding the projects covered by this proposed program to the “Affordable/In-Fill Housing Expedite Program.”

DISCUSSION

Currently, approximately 30-40% of the discretionary permit applications are expedited. Council Policies 900-14, 900-12, 600-27, and 100-11 establish the criteria to determine if a project qualifies for an expedite status.

On August 6, 2002, the Mayor and City Council approved the Manager’s recommendations to create a special team to review and manage affordable/in-fill housing projects. This new program provides shortened review time and aggressive hearing schedules for the discretionary process. Essentially, all residential projects in the Central Urbanized Area (CUA) of 10 units or more will be expedited and processed by the special team. In addition, all projects located throughout the City that provide affordable housing unit(s) will qualify for the expedite status under the new policy.

If the City Council approves the staff recommendations in this report, sustainable building projects will be combined with the expedite program of “Affordable/In-Fill Housing Expedite Program” for the discretionary review process as stated in CMR 02-085. Therefore, staff recommends a limited expansion of the special team’s responsibility to only include the discretionary process for new commercial and industrial projects which provide 30% or more of their projected total energy use utilizing renewable energy resources such as photo voltaic and fuel cells.

In addition, staff recommends expediting the ministerial process of all projects including residential, commercial, and industrial projects that meet the following criteria. This portion of the expedite process will be managed under the responsibility of the Development Services Manager:

- Residential projects that provide 50% of their projected total energy use utilizing renewable energy resources.
- Commercial and industrial projects that provide 30% of their projected total energy use utilizing renewable energy resources.
- Residential and commercial and industrial projects that exceed the State of California Title 24 energy requirements by 15% and 5% respectively.

It is estimated that less than 1 percent or 60 of the units that were built last year would have benefitted from this proposed program if it were implemented in 2001.

In order for a project to qualify for the program, the applicant must provide energy use calculations and a statement signed by a State of California registered electrical or mechanical engineer stating that the proposed project will meet these standards. Projects that qualify for this program will benefit from the reduced timelines under the “Affordable/In-Fill Housing Expedite Program.”

The renewable energy system will be a condition of the permit. If the applicant decides not to install the renewable energy system on their project after the permit has been expedited and approved, the applicant must repeat the permit process and the amendment must be approved by the original decision maker. The permit amendment to remove the requirement for a renewable energy system will not be processed on an expedite status.

CONCLUSION

The recommendations contained in this report will simplify and expedite the review process for sustainable building projects. In addition, the program will also provide incentives to the building industry to construct a wider range of building types that provide renewable energy resources in the City of San Diego. As such, the City Manager recommends the proposed changes to CP 900-14, the related fees, and the addition of these project types to the City expedite program be prepared for City Council consideration.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

OLIVA:HASENIN

Attachment: 1. Michael E. Turk's proposal



THE CITY OF SAN DIEGO
MANAGER'S REPORT

DATE ISSUED: March 4, 2003 REPORT NO. 03-040

ATTENTION: Committee on Land Use and Housing
Docket of March 19, 2003

SUBJECT: Development Services Department Fee Proposal

SUMMARY

Issue: Should the Committee on Land Use and Housing (LU&H) recommend that City Council revise development review user fees in order to improve all mandatory regulatory review and inspection services to meet established service level standards, to provide for full Department cost recoverability, and to offer the limited enhanced and voluntary optional services as described below?

1. Base Service Fees - Revise development review fees as shown on Attachment No. 1 to consolidate fee types and eliminate 57 unnecessary fee categories; to increase initial and subsequent deposit accounts to reflect actual costs; and to revise fees based on the results of a fee study conducted by the Department's fee consultant (Maximus) and include the following costs:
 - a. IT Improvements - Include the information technology costs in the proposed fees to update and maintain automated zoning and land use information, to maintain project review records, to keep automated systems current, to pilot automation for field inspection services, and to provide public access to key project data via the internet. These costs would improve Department efficiency and enhance responsiveness to customers.
 - b. Building Sale and Purchase - Include a building purchase in the proposed fees to collocate plan check and inspection staff consistent with recommendations of the Zero Based Management Review (ZBMR). At the same time, the Department would sell its portion of the Ridgehaven building to Environmental Services and move the inspection staff to the new building. Development Services would fund the acquisition costs (approximately \$7 million) and related improvements (approximately \$2 million) of the building through a bond issuance by pledging revenues from the proposed fee increase for the building purchase and improvements. It is estimated that proposed

fees would cover the annual payments and necessary coverage requirements on a 30-year bond and cover the operations and maintenance costs of the building. It is estimated that annual payments on a bond issuance will be approximately \$750,000 with the annual operations and maintenance expenses estimated at approximately \$70,000 escalating at 3% annually. If approved, a subsequent bond action will be brought back to City Council for approval to support the building purchase by the enterprise fund.

- c. Base Service Position Costs - Approve the mid-year addition of 37 Full Time Equivalents (FTE) over budgeted positions to be added as budgeted positions in the Department's Fiscal Year 2004 budget to meet established review and inspection service levels (Attachment No. 6) and to reduce staff overtime.
 - d. Future Fee Adjustments to Match Labor Costs - Include future fee increases of 6.2% on May 2 in fiscal year 2004 and 4.9% on May 2 in fiscal year 2005 to match the personnel expense increases that will result from the approved fiscal year 2003 labor contract.
 - e. Add Fire Plan Check and Inspection to Enterprise Fund - Transfer fire plan check and inspection staff from the general fund into the enterprise fund effective July 1, 2003. This will result in an estimated annual savings of \$120,000 in the general fund.
2. Enhanced Services - Long Term Permit Monitoring - Approve the mid-year addition of 14 FTE over budgeted positions to monitor project compliance with storm water, environmental mitigation, slope revegetation, and other permit conditions on an ongoing basis after projects have been constructed and after final inspections have occurred. These positions will be added as budgeted positions in the Department's Fiscal Year 2004 budget
3. Optional Services - Include the fees as shown on Attachment No.1 and approve the mid-year addition of 27 FTE over budgeted positions to be added as budgeted positions in the Department's Fiscal Year 2004 budget to allow the Department to offer the following choices for service on a limited basis:
- a. Express Services - To provide for project management, express plan review, and next day inspection services that can be voluntarily selected by development review customers. (11.5 FTE positions)
 - b. Affordable/Infill Housing and Energy Efficiency Expedite Program - To provide for project management and express review services that can be voluntarily selected by customers developing affordable/infill housing and energy efficient buildings. (15.5 FTE positions)

These positions will be filled only as customer demand for these services supports the increased staffing.

Manager's Recommendation: That LU&H recommend City Council approve the revised fees and reimbursable staff positions.

Community Planners Committee Recommendation: On February 25, 2003 the Committee unanimously (21-0) recommended approval of a motion to endorse the Development Services Department's recommendation to restructure their fee schedule.

Other Recommendations: Prior to the Committee hearing on the revised fees, staff will have presented or offered a presentation on the proposed fees to many of the organizations listed on Attachment No. 3. Any recommendations received prior to the Committee meeting will be forwarded to the Committee or provided verbally at the hearing.

Environmental Impact - This activity is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA guidelines.

Fiscal Impact - The proposed 78 FTE budgeted positions (Attachment No. 7) would be fully cost recoverable from the proposed fee increase, resulting in revenues of \$12 million. The fees will cover increased costs, improve current service levels, and provide for the limited enhanced and optional services described above. In addition, a \$120,000 annual savings will accrue to the general fund as a result of this action.

BACKGROUND

The City's development review and inspection services are operated without general fund subsidy as an Enterprise Fund. Development Service's customers, therefore, pay for the Department's operating costs similar to most businesses. The level of service the Department is able to provide is directly related to the fees charged. In addition, State law requires that the fees charged "shall not exceed the estimated reasonable cost of providing the service" (California Government Code Section 66014).

The Building Inspection Enterprise Fund¹ was created in 1985 (Attachment No. 5, Fund History). As of 1998, all development and building inspection related activities except for fire plan check and inspection have now been included in the fund.

As noted at the time of the fiscal year 2003 budget hearings, a comprehensive review of the Department's fees was planned to determine what fee changes were necessary to support the Department's development review and inspection services. This report contains fees based on the results of the fee study performed by the outside fee consulting firm Maximus.

The Enterprise Fund annual expenditures for fiscal year 2003 is estimated to be \$43.0 million. The proposed fee changes will provide sufficient revenue to support a proposed \$55.0 million enterprise budget in fiscal year 2004 – a \$12.0 million increase compared to fiscal year 2003. The fees are proposed to support the following goals:

¹ Currently named the "Development Services Enterprise Fund."

1. Meet Base Service Levels - Provide fees to support service levels for high quality and timely plan check and building inspection, to support services that meet state and local law mandates, and to fully recover Department operating costs. Customer service standards have been established since the inception of the Enterprise Fund (Attachment No. 6) and since 1999, performance is measured on a quarterly basis. These standards are important in measuring and managing customer development review and building inspection schedules that can affect a customer's development costs many times more than the cost of the review and inspection process itself. Reduction in the Department's level of service can increase time-sensitive financing, lead to costly construction delays, or increased land carrying costs. Proposed fees support these specific review and inspection service levels expected by building owners and the industry. In addition, proposed fees support the appropriate staffing, resources, and training costs to meet the Department's mission to protect the public safety, health, and welfare.
2. Offer Limited Enhanced and Optional Services - Provide fees to support limited enhanced project management, plan review, and inspection that offer customers seeking a higher level of service with options to meet those needs. The Department has offered expedite and express services for the past several years, but has been unable to offer it for all staff disciplines and service areas. Limitations due to restricted staffing levels and measures to control Department expenditures have constrained our ability to provide these services more broadly and consistently. In addition, these services have only been provided on limited permit types and have not been provided on a project basis. The Department's capacity to provide these services in the past have been through staff working voluntary overtime and by impacting the schedules of other non-expedite/express projects. The proposed fees provide the Department with the ability to offer a wider range of limited services intended to allow customers to select those enhancements that can best improve the predictability and schedule of their project. They will also allow the Department to reduce reliance on overtime and minimize impacts on other project reviews and inspections.

The last fee analysis for the Department was performed in fiscal year 2001 and resulted in a conservative 5% fee increase and a reduction in the Department's fee stabilization reserve from \$3.0 million in fiscal year 1999 down to an estimated zero fund balance for FY 2003. Over the past 5 years, the Department has provided resources to implement computer system improvements such as geographic information system mapping, project tracking, and an interactive voice response inspection scheduling system. In addition, the Department added the project management service during this time period to provide for a single point of customer contact, to manage conflict resolution, and to facilitate projects through the project review process. This service was added without increasing project fees.

The City's administrative regulations provide for an annual review of each Department's services to determine if new or revised fees are appropriate, and set forth the procedure for Council authorization of new or revised fees. If approved by Council, the effective date for new fees will be no sooner than sixty days after the Council action, according to California State Code.

DISCUSSION

Development Services has managed its workload within the means provided by the revenues generated from the last fee adoption in 2001. Despite these efforts, service levels are beginning to decline due to staffing cuts made to balance revenues and expenditures as labor costs have increased. Following is a description of the Department's current financial condition, adjustments the Department has made to reduce costs and to operate more efficiently, and a description of the proposed fees to enhance the level of service to meet customer requests.

Current Financial Condition

Since the fiscal year 2001 fee adjustment, the Department's work load, as represented by the value of construction (valuation), has increased from \$ 1.87 billion in FY 2001 to an estimated \$2.01 billion in FY 2003. Budgeted staffing in the enterprise fund also increased slightly during this period, going from 431 positions in FY 2001 to 439 proposed in FY 2003. Actual filled positions, however, have been reduced during this same period, going from 461 to 433 positions to control Department expenses. During the same period, the Department's expenses have grown from \$41.4 million to an estimated \$43.8 million, an increase of 5.8%. The Department has been able to meet 91% of its 80 performance measures during this time, despite this increase in expense and reduction in filled positions to perform the work. Overall labor costs have increased by 16.2% in this same timeframe, but the Department has controlled overall expenses by not filling positions that have become vacant, by drawing down the Department's fee stabilization reserves, and by implementing various cost controls and efficiency measures.

Cost Controls and Efficiency Measures

Annual valuation reviewed per plan checker has increased from \$46.8 million in FY 2001 to \$51.5 million in FY 2003. Annual inspections performed per inspector have grown during this same period from 3,163 to 3,579. Projects managed per project manager has also increased from 16 in FY 2001 to 31 in FY 2003. Each of these measures represent a substantial increase in output per staff to manage the Department's workload within constrained revenues.

In addition to staff performance, operational improvements were implemented resulting in overall savings to the Department that helped to control increased costs (Attachment No. 8). Many of these changes resulted from ideas and input from our LU&H Technical Advisory Committee (TAC), the Zero Based Management Review (ZBMR) process, and Select Committee. A key change was the consolidation of eight Departments into one single Development Services Department and converting to a fee-for-service fund. This has saved the general fund \$2.1 million annually since 1996. Furthermore, numerous automation improvements have also helped make the department more efficient and saved customers' money. Improvements include a new project tracking system that tracks and helps manage all projects, a geographic information system (Carbrillo) with over 100 layers of information, and web enabled services such as plan finder and E-permitting (currently issuing 2,700 permits annually). In addition to offering better and smarter services, these new automated systems have allowed us to eliminate old "legacy" systems resulting in annual savings of \$196,000.

Other customer improvements include permit by Fax and mail (3,482 per year average), Guaranteed Second Opinion program, and the engineering self-certification program (30 projects annually) have further helped the department to control costs and save customers time and money. All of these improvements and efficiencies, however, will not allow the Department to continue meeting service demand, maintaining quality standards, and satisfying customer needs in the future without changes to review and building inspection fees.

Fee Proposal

Department workload and operating costs were reviewed by a fee consulting firm, Maximus, to determine the Department's level of cost-recoverability. In order to develop a fee proposal, the consultant and the Department did extensive analysis of Department performance data, operating costs, workload, and staffing to develop a fee proposal that would meet performance standards, reflect the cost of that service, and provide optional services for the customer. Based upon this analysis, both fee increases and decreases are being proposed.

For building permits, the valuation model is being changed to a square footage model using hourly charges and staff time spent on the project. This square footage and hourly estimate of the time to provide plan check and inspection services is considered a more accurate methodology to develop proposed fees. Other development and construction permits and approvals have been revised based on an estimate of the review and inspection times for each permit type and based on actual staff labor costs. Approvals that previously were charged hourly for review services against deposit accounts will continue to be charged on an hourly basis. The initial deposit account amounts will be increased and a requirement of an additional deposit with each new review cycle has been added. This change has been necessitated by increased costs for review and by a need to significantly decrease the Department's deposit account liability reserve (currently \$1.4 million). The hourly cost charged to these accounts will also increase by 11% with this fee proposal to cover information technology improvement costs and to provide fee stabilization reserves. In addition, 14 flat fee based approvals are being changed to deposit accounts to provide for full cost recovery. This was necessary because the review services within these 14 approval types varied significantly due to project complexity, public involvement, environmental review, and the required public decision process.

Following is an overview of the base fee proposal, the fees for enhanced and optional services, and the prototypical project costs based on the revised fees.

Base Services:

The primary focus of the base proposal is to charge fees that will allow the Department to provide project review and inspection services that meet our established standards (Attachment No. 6) and reduce staff overtime. The proposed changes also include enhancements for information technology systems, the purchase of a new building to collocate building plan check and inspection staff, conversion of fire plan check and inspection from the general fund to the enterprise fund, future fee adjustments to match increased labor costs, and the addition of appropriate budgeted staff positions to meet service demands.

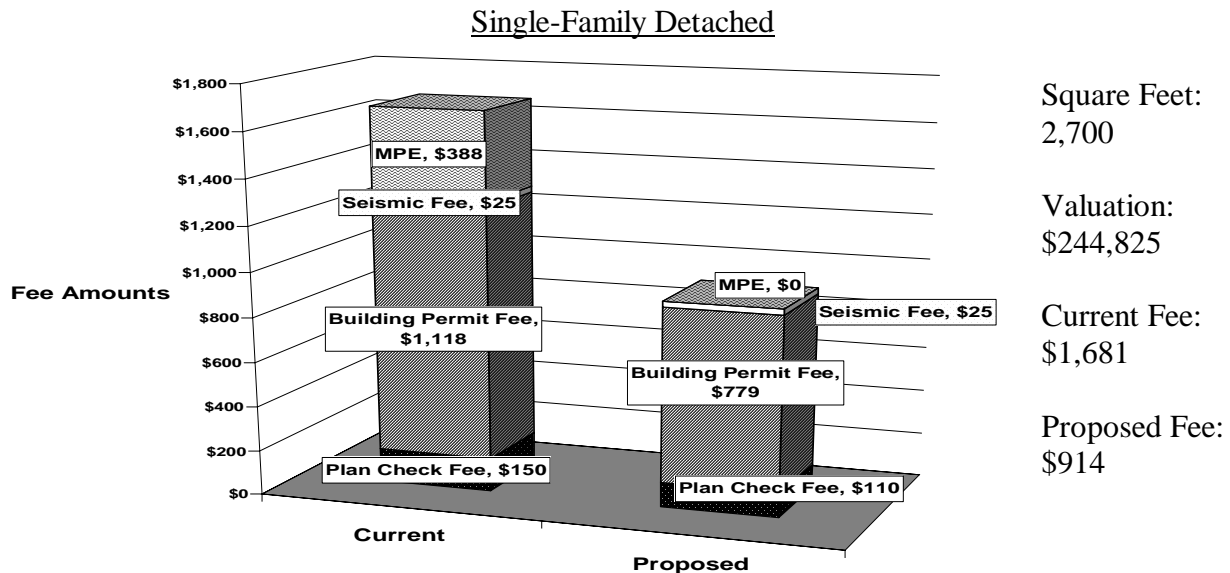
Enhanced and Optional Services:

The proposed enhanced and optional services that are included in the proposed fees are beyond what the Department currently offers. The enhanced service would be the addition of staff to perform long term permit monitoring. With this addition, monitoring of permit conditions, storm water best management practices, mitigation completion and maintenance and other ongoing conditions of a project after construction would be provided.

The optional services proposed with the revised fees provide additional tools that can be voluntarily chosen by a customer if they want faster processing, guaranteed next day inspection, or increased review schedule predictability for certain types of projects. One of the optional services would be an express plan check service. This service would consist of a managed program for reduced plan check times offered through staff overtime or outside contract. The program would be a limited service offered only until the review capacity has been reached. The Affordable/Infill Housing and Energy Efficiency Expedite Program is the other optional service included in the proposed fees. This service would offer a specialized staff team and a reduced review process timeline on a limited basis. Similar to the express service above, the capacity of the program would be closely monitored to insure the set timelines are being met. A priority list approved by Council would be used to decide the projects that would be offered this service if staff capacity is being challenged.

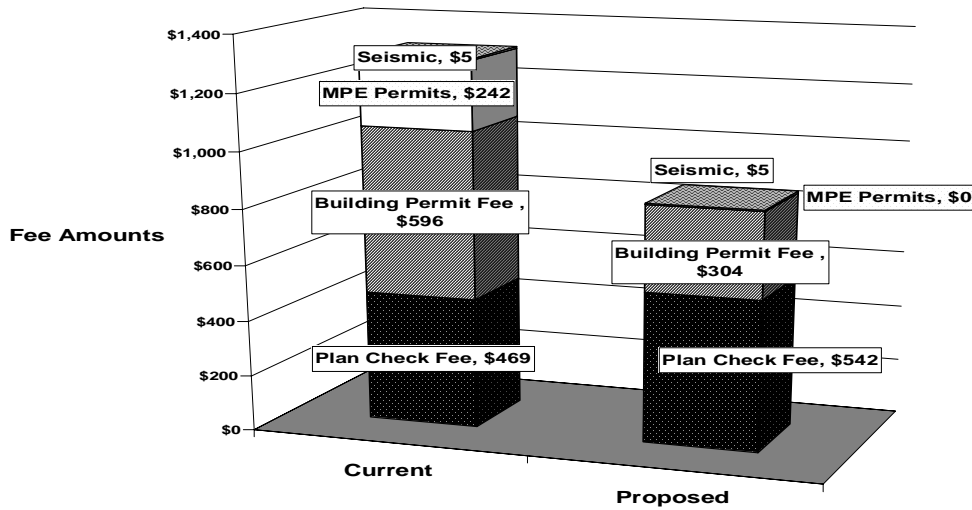
Prototype Project Costs:

The following are typical examples of projects that would be affected by the fee proposal.² Because the proposed fees are based on a square foot model and estimates of hourly review time, some overall fees have decreased while others have gone up. In addition, the proportion of fees attributed to plan check services versus inspection services have also changed to reflect the estimates for each service.



² The prototype projects utilized to illustrate costs in this report are based upon the models used in an industry survey of fees, reference the "San Diego County Building Industry Association (BIA) 2002-2003 Fee Survey."

Single-Family Room Addition



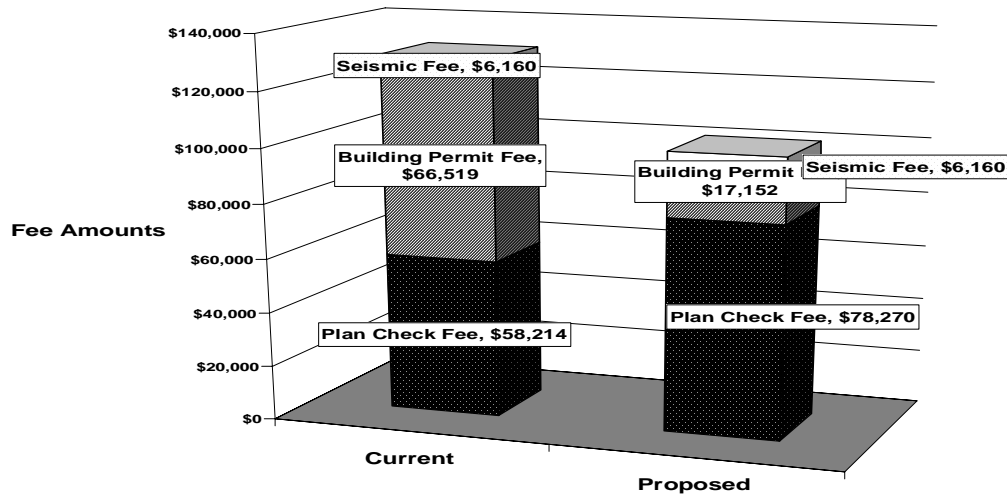
Square Feet:
500

Valuation:
\$51,000

Current Fee:
\$1,312

Proposed Fee:
\$851

Residential Multifamily Apartment



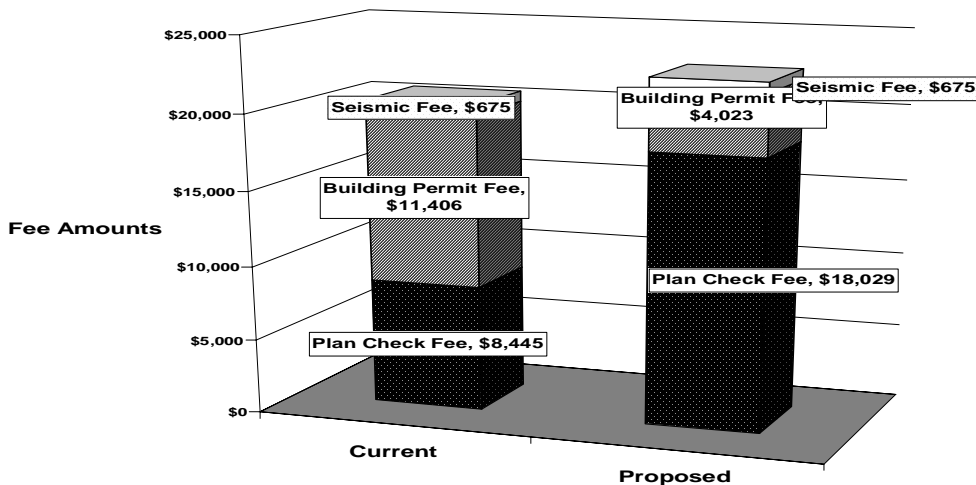
Square Feet:
366,626

Valuation:
\$29,331,000

Current Fee:
\$130,893

Proposed Fee:
\$101,582

Commercial Office Building



Square Feet:
50,000

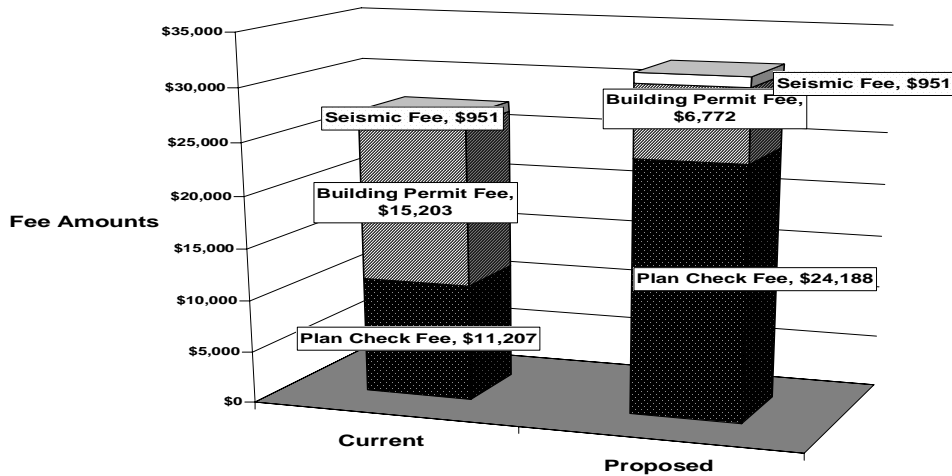
Valuation:
\$3,215,000

Current Fee:
\$20,526

Proposed Fee:

\$22,727

Retail Building



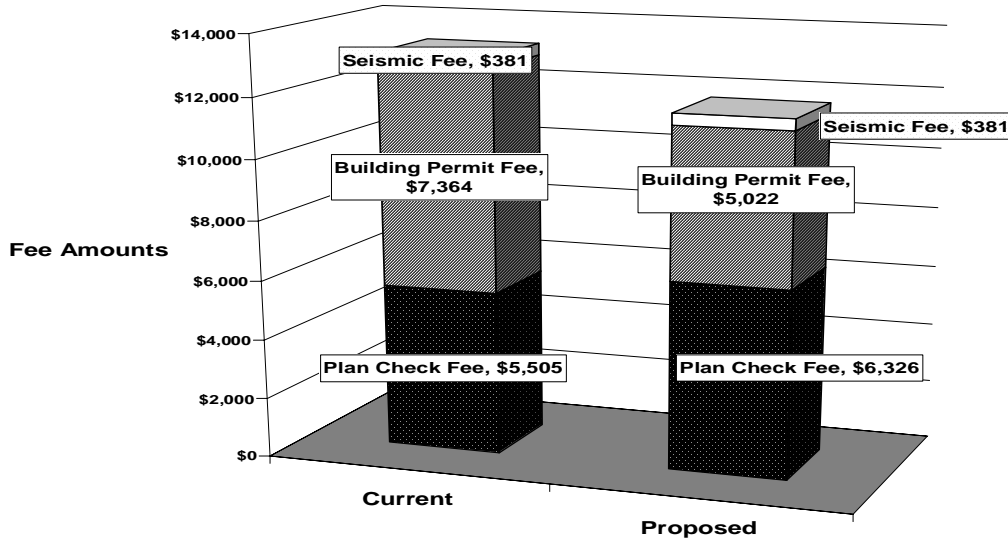
Square Feet:
100,000

Valuation:
\$4,530,000

Current Fee:
\$27,361

Proposed Fee:
\$31,911

Industrial Building



Square Feet:
50,000

Valuation:
\$1,815,000

Current Fee:
\$13,250

Proposed Fee:
\$11,729

CONCLUSION

In conclusion, the last fee study and approved increase for these fees was completed in fiscal year 2001. Since that time, the Department's labor costs have increased by 16.2% and workload has remained constant or increased for the various building and land development projects reviewed and inspected by the Department. The Department has, however, still been able to meet most of its performance measures during this time with a staff decrease of 6%, representing a substantial productivity improvement.

The fees proposed are necessary to maintain the quality of review, restore the Department's performance and service levels, and enhance the fiscal health of the enterprise fund.

Alternatively, the Council may choose not to adopt some or all of the proposed fees. If a no change alternative is adopted, the Department will need to cut its services, reduce its existing workforce, and control expenditures accordingly as a result. Attachment No.4 shows the reductions and impacts to customer services. This is not recommended because it would affect inspection and plan check review times to a level that many customers indicate is unacceptable to them. In developing this fee proposal, customers and contractors have indicated that time is of essence in the construction process. Based upon our discussions with the industry and the community, staff believes the recommended proposal will allow Development Services to meet customers' service level needs and expectations and to meet the community's quality review and project communication goals.

A copy of the notification list of interested organizations and individuals is attached (Attachment No. 3). The Department is providing presentations and further information to these organizations as needed. Comments received from listed, or unlisted, organizations will be forwarded to the committee.

ALTERNATIVES

1. Do not adopt the proposed fees. This is not recommended as reductions in budgeted positions, expenditures, and service levels would occur, causing delays in the plan review and construction process. Attachment 4 is a list of related service level reductions.
2. Modify the fees.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: George I. Loveland
Senior Deputy City Manager

TPC/KGB

Attachments:

1. Proposed Fee Schedule
2. Fee Change Examples
3. Organizations Notified
4. Impacts of No Fee Change
5. Fund History
6. Project Review and Inspection Goals
7. Budget Adjustments
8. Cost Controls and Efficiency Measures



THE CITY OF SAN DIEGO
MANAGER'S REPORT

DATE ISSUED: May 14, 2003 REPORT NO. 03-096

ATTENTION: Honorable Mayor and City Council
Docket of May 20, 2003

SUBJECT: AFFORDABLE/IN-FILL HOUSING EXPEDITE PROGRAM
IMPLEMENTATION

REFERENCE: Council Policy 600-27; Manager's Report No. 02-085, Affordable/In-fill
Housing Expedite Program; Manager's Report No. 03-040, Development
Services Department Fee Proposal; Manager's Report No. 03-059,
Affordable/In-fill Housing Expedite Program Implementation; Report to
the Planning Commission No. P-03-110, Affordable/In-fill Housing
Expedite Program Implementation

SUMMARY

Issue - Should the City Council adopt the Affordable/In-Fill Housing Expedite Program, which includes amendments to Council Policy 600-27 and the Municipal Code?

Staff's Recommendation:

1. ADOPT amendments to Council Policy 600-27 in order to implement the new Affordable/In-fill Housing Expedite Program; and
2. ADOPT an amendment to the Municipal Code to grant staff the authority to expire discretionary permit applications after 90-days of inactivity; and
3. ADOPT an amendment to the Municipal Code to allow deviations from development regulations as an additional incentive for affordable/in-fill housing projects.

Planning Commission Recommendation - On April 24, 2003, the Planning Commission voted unanimously to recommend approval of the staff recommendation with several suggested modifications. These modifications are discussed in detail within the "Discussion" section of this report.

Other Recommendations - On April 2, 2003, the Land Use & Housing Committee voted 4-1 to recommend City Council approval of the staff recommendation. On March 26, 2003, the Housing Subcommittee of the Chamber of Commerce voted unanimously to recommend conceptual approval of the staff recommendation. On March 25, 2003, and on April 22, 2003, the Community Planners Committee (CPC) recommended approval of the staff recommendation. The Affordable/In-Fill Housing Expedite Program has also been presented to the Affordable Housing Task Force, the Technical Advisory Committee (TAC) of the Land Use & Housing Committee, and the Land Development Code Monitoring Team.

Environmental Impact - This activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Fiscal Impact - Implementation of the Affordable/In-Fill Housing Expedite Program will require additional staff, which are included in the Development Services Department fee proposal, and which will be fully cost recoverable through permit fees.

Code Enforcement Impact - None with this action

Housing Impact Statement - Approval of these actions will result in substantial time savings in the permitting process for affordable/in-fill housing projects, which will translate into direct financial savings for affordable housing developers through reduced holding costs and interest payments.

BACKGROUND

On August 6, 2002 ("Housing Day"), the City Council took several actions relative to housing issues including declaring a housing state of emergency; directing staff to proceed with the creation of an inclusionary housing ordinance; approving the Comprehensive Affordable Housing Collaborative's recommendation to leverage redevelopment set-aside funds to create up to \$55 million in affordable housing financing (the Council authorized staff to release the Notice of Funding Availability on January 28, 2003); and approving the Affordable/In-fill Housing Expedite Program.

As part of the Affordable/In-fill Housing Expedite Program, the City Council directed the City Manager to implement various procedural changes necessary to expedite affordable/in-fill housing projects. These procedural changes include amendments to Council Policy 600-27 (The Affordable/In-fill Housing Expedite Program - See Attachment 1), an amendment to the

Municipal Code to grant staff the authority to expire development permit applications due to inactivity (see Attachment 2), and an amendment to the Municipal Code to allow deviations from development regulations as an additional incentive for affordable/in-fill housing projects (see Attachment 3).

DISCUSSION

Planning Commission's Recommendations:

On April 24, 2003, the Planning Commission approved two separate motions associated with the Affordable/In-Fill Housing Expedite Program. The first motion, which was approved unanimously (by a vote of 6-0), recommended approval of the staff recommendation with several modifications. Provided below is a description of the Planning Commission's recommendations, and the City staff response to those recommendations:

1. Letter "D" on the Eligibility List of Council Policy 600-27 should be revised as follows:

Urban In-fill housing development ~~projects of 10 units or more within "Urbanized" areas of the City as defined in the Progress Guide and General Plan. These in-fill development~~ projects are eligible for expedited processing under this policy provided that all of the dwelling units are affordable to households earning no more than 150 percent AMI for both rental and for-sale (first ownership cycle only) units. In-fill housing development projects need to provide a larger number of affordable housing units than they replace, where applicable.

City Staff Response: Staff recommends no change to this definition. The definition of Urban In-Fill to include "projects of 10 units or more within Urbanized areas of the City" was part of the original recommendation from the Land Use and Housing Committee and the City Council. In addition, the Planning Commission's change would significantly increase the types of projects eligible for expedited permit processing, which could negatively impact the program's workload and carrying capacity.

2. For the proposed Municipal Code amendment for deviations, the third Supplemental Finding reads, "The deviation is necessary to make it economically feasible for the applicant to develop an affordable/in-fill housing project." The Planning Commission recommended that if staff determines that an economic analysis is necessary to support a deviation, that analysis should be submitted no later than the first review cycle.

City Staff Response: Delete this entire finding from the proposed deviation section. Both the Planning Commission and City staff had difficulty interpreting how to implement this finding. In many cases economic feasibility is difficult to measure without the submittal of a detailed financial analysis, and requiring applicants for small housing projects to submit detailed financial analysis could defeat the purpose of expediting the permit process and/or

providing affordable housing. The Planning Commission did not recommend deleting this finding.

3. Staff should create development review guidelines for affordable/in-fill housing projects that community planning groups can utilize for project review.

City Staff Response: Included within the August 6 Manager's Report (No. 02-181) was an alternative proposal to allow residential developers to comply with, and community planning groups to use as review criteria, a set of performance standards rather than specific regulations. The report included examples of the types of performance-based design standards both staff and community planning groups could use as guidelines for residential projects. It is proposed that these standards be incorporated into the Community Orientation Workshop (COW) process for community planning group members, and included within the Development Review Process handbook that is distributed to all COW participants.

4. Status reports regarding the Affordable/In-Fill Housing Expedite Program should be provided on a regular basis to CPC, the Planning Commission, and T.A.C..

City Staff Response: City staff has committed to providing quarterly reports to CPC, the Planning Commission, and TAC.

5. The definition of "Military Housing" should be expanded, and the affordability levels for military housing within Council Policy 600-27 should be consistent with the affordability levels contained within the military's own policy.

City Staff Response: The definition of "Military Housing" has been expanded to read as follows: "Military housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families." Staff does not recommend limiting eligible military housing based on affordability levels because it would be difficult to implement and enforce. If the City Council chooses to limit the type of military housing based on the Housing Commission's definition of affordable, expedited permit processing would be limited to military housing for enlisted military personnel at a rank of E-5 or below. Enlisted military personnel at a rank of E-5 receive a basic allowance for housing of \$1,303 per month, which is at the Low Income to Moderate Income level.

6. For the proposed Municipal Code amendment for deviations, the first Supplemental Finding reads, "The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City." Staff should establish standards to better define the words "materially assist."

City Staff Response: Staff recommends no change to this finding. The issue of whether or not a proposed affordable/in-fill housing project materially assists in accomplishing the goal

of providing affordable housing opportunities in economically balanced communities should be at the discretion of the Planning Commission, should be based on the individual merits of a proposal, and determined on a case-by-case basis.

The Planning Commission's second motion, which was approved by a vote of 5-1, is as follows:

"While the Planning Commission supports an expedite program for sustainable buildings, it should have its own expedite program, or, if it is to be included in the Affordable/In-Fill Housing Expedite Program, a project with sustainable buildings would be eligible for expedited permit processing only if the project also includes an affordable housing component."

City Staff Response: Staff does not recommend this change. The proposed Council policy currently provides expedited permit processing for "sustainable buildings" without an affordable housing component as directed by the Land Use and Housing Committee. In addition, the proposed Council policy provides "sustainable building" projects with a higher priority if they do include an affordable housing component.

AMENDMENTS TO COUNCIL POLICY 600-27:

The proposed amendments to Council Policy 600-27 will establish the new Affordable/In-Fill Housing Expedite Program. This new program defines procedures for processing affordable housing projects, and contains the following three primary components:

- I. Eligibility** - The Policy specifically defines those affordable/in-fill housing projects that qualify for expedited permit processing, including the following:
 - A. Residential development projects where at least 10 percent of the units are set aside for households with an income at or below 65 percent area median income (AMI) for rental units and at or below 100 percent AMI for for-sale units as set forth in the City's Inclusionary Housing Ordinance.
 - B. Residential development projects sponsored by and/or receiving funding from the Comprehensive Affordable Housing Collaborative (The Redevelopment Division of the Community and Economic Development Department, Centre City Development Corporation, Southeastern Economic Development Corporation, and the San Diego Housing Commission) where at least 15 percent of the units are set aside for households with an income at or below 120 percent AMI, as determined by the San Diego Housing Commission.

- C. Residential development projects underwritten to utilize Federal, State or Local funds and which result in a regulatory agreement that restricts tenancy and rents at or below 60 percent AMI.
- D. Urban In-fill housing development projects of 10 units or more within “Urbanized” areas of the City as defined in the Progress Guide and General Plan. These in-fill development projects are eligible for expedited processing under this policy provided that all of the dwelling units are affordable to households earning no more than 150 percent AMI for both rental and for-sale (first ownership cycle only) units. In-fill housing development projects need to provide a larger number of affordable housing units than they replace.
- E. Military housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families.
- F. New residential, commercial, and industrial development projects which meet the “sustainable buildings” definition under Council Policy 900-14.
- G. Mixed-use development projects (development projects that combine residential with other land uses) where at least 50 percent of the gross floor area of the entire project site is dedicated to residential dwelling units affordable as described in A, B, C and/or D above.

Projects that elect to pay In-Lieu fees to satisfy the affordable housing requirements are not eligible for expedited permit processing under this policy (except for E and F above).

- II. **Process** - The policy establishes new expedited permit procedures designed to process affordable/in-fill housing projects twice as fast as the current system allows. In summary, the Policy requires a more aggressive processing timeline by providing mandatory preliminary review meetings for early staff feedback, significantly reducing project review cycles, funding the environmental initial study at preliminary review, and scheduling public hearings after the third review cycle and upon completion of the environmental document. Implementation of this expedited permit process will require additional staff positions and permit fees which are proposed as part of the Development Services Department's Fee Proposal. The ability of staff to process these projects within the reduced time frames is dependent upon adoption of the Department's Fee Proposal.
- III. **Carrying Capacity** - A key component to the success of this program will be implementing the “carrying-capacity” of the expedite program in order to maintain efficiency and effectiveness within established time lines. During those periods when workload exceeds the carrying capacity of the expedite program, expedited project

processing (both discretionary and ministerial) will be provided based on the following priority list:

- Priority 1: City of Villages Pilot Projects selected by the City Council that provide affordable housing as defined in the eligibility section of the Policy.
- Priority 2: Residential development projects that set aside the highest percentage of units affordable to households at the lowest income levels. For example, a project that provides 100 percent Very-Low Income affordable housing units has a higher priority than a project that sets aside 10 percent of the units affordable to Moderate Income households.
- Priority 3: Residential development projects that qualify for the 9 percent tax credit and residential development projects qualifying for multifamily revenue bonds.
- Priority 4: Residential development projects sponsored by and/or receiving funding from the Comprehensive Affordable Housing Collaborative (The Redevelopment Division of the Community and Economic Development Department, Centre City Development Corporation, Southeastern Economic Development Corporation, and the San Diego Housing Commission) where at least 15 percent of the units are set aside for households with an income at or below 120 percent AMI.
- Priority 5: Residential development projects where at least 10 percent of the units on-site are set aside at no more than 65 percent AMI for rental units and at no more than 100 percent AMI for for-sale units as set forth in the City's Inclusionary Housing Ordinance.
- Priority 6: Residential development projects where at least 10 percent of the units off-site are set aside at no more than 65 percent AMI for rental units and at no more than 100 percent AMI for for-sale units as set forth in the City's Inclusionary Housing Ordinance.
- Priority 7: Urban In-Fill housing projects of 10 units or more as defined in this Policy.
- Priority 8: Military Housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families.
- Priority 9: New residential, commercial, and industrial projects which meet the "sustainable buildings" definition under City Council Policy 900-14. Residential projects that qualify as both "Affordable Housing" and "Sustainable Building" projects will be provided with a shared Priority 4 status.

The Affordable/In-Fill Housing expedite program will be implemented by a specialized staff team (these additional staff positions are proposed as part of the Development Services Department's Fee Proposal) who will primarily process discretionary land development projects. Expedited permit processing for ministerial building permits and engineering approvals will be an option available to developers through the express plan check service.

EXPIRING PERMIT APPLICATIONS DUE TO INACTIVITY:

During the August 6, 2002 ("Housing Day") City Council Hearing, staff presented a number of actions that would facilitate expediting the processing of affordable/in-fill housing projects. One of those actions recommended by staff and endorsed by the Council included providing staff with the authority to expire permit applications due to inactivity. This would allow the Development Services Department to better manage workload and avoid projects being submitted in an attempt to circumvent changes to land development regulations.

Council approval of this proposal would simply provide the authority to expire permit applications when warranted. The primary intent of this proposal is to only expire those inactive applications where an applicant cannot demonstrate compelling evidence or willingness to continue processing.

ALLOWING DEVIATIONS FOR AFFORDABLE/IN-FILL HOUSING PROJECTS:

Another expedite action discussed and endorsed during Housing Day included amending the Municipal Code to allow deviations from the Code's development regulations, including those development regulations contained within Planned District Ordinances. Often, affordable/in-fill housing projects are either delayed or made infeasible because of their inability to meet the often strict and detailed development regulations of the Municipal Code. Detailed planned district ordinance, engineering, and zoning regulations combine to limit particular design solutions that would make these types of projects both practicable and desirable.

The proposed Municipal Code amendments would provide a process alternative to use when affordable/in-fill housing projects run into these types of obstacles. Applicants for these projects would still be required to meet all of the required development regulations, however the Planning Commission would have the authority to approve the project with deviations provided certain findings can be made.

San Diego Municipal Code Section 143.0750 currently allows deviations from applicable development regulations as an additional incentive for affordable housing density bonus projects through a Process 4 Site Development Permit. This new proposal includes granting the same

incentive for affordable/in-fill housing projects provided the following supplemental findings can be met:

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City;
2. The development will not be inconsistent with the purpose of the underlying zone;
3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

This Municipal Code amendment would require a Site Development Permit (Process 4-Planning Commission decision) for affordable/in-fill housing projects seeking deviations. Although the Land Development Code currently allows applicants to request deviations and/or variances from any development regulation City-wide, the required permit type, approval process, and noticing procedures vary widely depending on project type and geographic location. This proposed deviations section of the Code would provide one consolidated, simplified process for all eligible affordable/in-fill housing projects regardless of geographic location, and would implement the intent of Council Policy 600-27 by providing an additional development incentive to builders of affordable housing.

CONCLUSION

The affordable/in-fill housing expedite program is just one important component part of a comprehensive package to address affordable housing issues in San Diego. Numerous other programs, policies, and efforts are currently underway (i.e., Inclusionary Housing Ordinance; Affordable Housing Collaborative's NOFA; various Housing Commission and Redevelopment Agency assistance programs; Affordable Housing Task Force; Future Urbanizing Area affordable housing requirements, etc.) to assist and encourage the development of affordable housing in San Diego.

The policy and code changes outlined in this report will simplify and streamline the review process for affordable/in-fill housing projects and provide incentives to the housing industry to produce a wider range of housing types that are more affordable in the City of San Diego. Ultimately, the time savings produced through this affordable/in-fill housing program will translate into direct financial savings for affordable/in-fill housing developers through reduced holding costs and interest payments.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

CHRISTIANSEN/MJW:

Attachments: 1. Draft Council Policy 600-27.
2. Draft Ordinance to expire permit applications due to inactivity.
3. Draft Ordinance to allow deviations for affordable/in-fill housing projects.
4. Existing Council Policy 600-27 in strike-out format.